

COMPLAINT LOG – CAMPAIGN and POLITICAL FINANCE (CPF)

Matthew Azer, Director & Chief Judge
Colorado Office of Administrative Courts
633 17th Street, Suite 1300
Denver, CO 80202
(303) 866-2000

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
1.	1/28/00	1/28/00	Cheryl St. John	Arvada City Council	Alleged violations of the FCPA: Alleges local government entity expended public funds to influence vote on a particular ballot issue	OS 2000-1	9/20/00 – Agency Decision Granting Respondent's Renewed Motion To Dismiss: because Complaint fails to state a claim upon which relief may be granted under the FCPA, action dismissed 10/20/01 – Complaint dismissed 10/26/01 – Summons re: Amended and supplemented complaint received. Case no. 2000-CV-6953
2.	6/28/00	7/17/00	Wendy Semin	Edwina Treybig, Littleton Prep Charter School Governing Board	Alleged violations of the FCPA: Violations of Sec. 1-45-117(1)(a)(I) C.R.S. (2000) – paying for and distributing fliers urging parents of students to take a position regarding legislation pending before General Assembly	OS 2000-2	10/19/00 – Complaint fails to state a claim upon which relief may be granted under the FCPA, therefore it is Agency Decision that action be dismissed
3.	7/21/00	7/21/00	Martha Hill Kreutz	Citizen's Victory Fund Inc – Frank L. Hays III, Agent	Alleged violations of the FCPA: violations of Section 1-45-101 et seq., C.R.S. (2000) ("the Act")	OS 2000-3	12/8/00 – Respondent's Motion for summary judgment granted. Complaint dismissed. 1/8/01 – Complaint for Judicial Review received, Case No. 01CV0063 submitted by plaintiff. 2/13/01 – Appeal to Dist Court dismissed.
4.	7/24/00		William Diones	S. Suburban Park & Rec Dist	Arapahoe Citizens for Self-Determination S. Suburban Park & Recreation Dist Contributions	Unclear if valid FCPA complaint. SOS requests clarification from Complainant via letter	
5.	7/25/00		Herbert Phillips Greenwood Village City Atty	Proponents for The City of Centennial	City of Centennial Petition to Arapahoe County Dist Court appoint election commissioners for a vote	Unclear if valid FCPA complaint.	
6.	7/27/00	7/29/00	Scott McKay, State Representative	Committee to Elect Gene Motta	Alleged Violations of the FCPA: Failure to report contributions, expenditures as required	OS 2000-4	4/4/01 – Agency Decision- Respondent violated CRS 1-45-108(1), 1-45-105.3(8). Respondent did not violate 1-45-105.3 (10).

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
7.	7/31/00	8/1/00	Dana P. Hlavac	Frank Ruybalid	Alleged violations of the FCPA: Failure to file timely reports of contributions to and expenditures by a candidate committee; accepting contributions before registering as a candidate committee	OS 2000-5 Court of Appeals No. 01CA0381 64 P.3d 881 (Ct. App. 2002) Supreme Court No. 02SC705	1/5/01 ALJ – Respondent violated CRS Sec 1-45-108(1), (2), failed to make timely reports of expenditure 5/1/00 to 7/27/00, fined \$10/day for 87 days. Also violated Sec 1-45-108(3), accepted contributions 20 days before registering to candidate committee, fined \$10/day and pay SOS \$1,070. 8/29/02: CO Court of Appeals affirmed order of ALJ. Hlavac v. Davidson, Court of Appeals No. 01CA0381, 2002 Colo. App. LEXIS 1535. (Administrative law judge properly concluded that a candidate violated the requirements of the Colorado Fair Campaign Practices Act; candidate's and his campaign committee's contributions and expenditures were bound by Act's reporting requirements.) 3/17/03: CO Supreme Court denied Petition for Writ of Certiorari en banc. Ruybalid v. Davidson, Case No. 02SC705. (Justice Coats would grant as to the following issue: Whether expenditures from personal resources on a candidate's own campaign are implicitly or contextually included in the reporting requirements in the Colorado Fair Campaign Practices Act.)
8.	9/1/00	9/5/00	James M. Nelms	Brighton City Council	Alleged violations of the FCPA: Use of public funds to influence votes on a ballot issue	OS 2000-6	11/16/00 Order of Dismissal.
9.	9/11/00	9/13/00	Douglas Campbell	Colorado Fiscal Policy Institute	Alleged violations of the FCPA: Failure to register as an issue committee before distributing campaign literature.	OS 2000-7	10/23/00 Order of Dismissal- DOAH received a letter from Complainant stating that he wishes to withdraw his complaint against Respondent
10.	9/11/00	9/13/00	Wallace J. Alspach	Heather Gardens Metropolitan District	Alleged violations of the FCPA: metropolitan district distributed political newsletter and expended public funds to influence vote on a specific ballot initiative	OS 2000-9	10/10/00- Petitioner submits letter to DOAH requesting withdrawal of Complaint 10/14/00- Order of Dismissal
11.	9/11/00	9/13/00	Douglas Bruce	James Mullen and Does I-X	Alleged violations of the FCPA: Municipal authority expended public funds to influence vote on state-wide ballot proposal	OS 2000-8	10/31/00 – Agency Decision: City of Colorado Springs, through Respondent Mullen, violated Sec. 117(1)(a)(I), CRS (2000) however Act provides no sanction for violation of Section 117 by a governmental agency.
12.	9/29/00		"John Q. Public"	Michael Ireland Sheriff Robert Braudis	Alleged violations of the FCPA		

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
13.	10/11/00	10/11/00	Dave Pearson	Jefferson County School Dist R-1.	Alleged violations of the FCPA	OS 2000-11	11/14/00 – Petitioner requests Complaint be dismissed 11/21/00 – Order of Dismissal
14.	10/12/00	10/13/00	Charles W. Carter	Rob Fairbank	Alleged violations of the FCPA	OS 2000-14	1/18/01– Order of Dismissal and Agency Decision- on 1/2/01 the parties filed Stipulation of Dismissal Without Prejudice in matter
15.	10/16/00	10/17/00	Bob Beauprez on behalf of Colo Re-publican Committee	Jared Polis, Mike Feeley, Ed Perlmutter, Stan Matsunaka	Alleged violations of the FCPA	OS 2000-13	1/10/01– Petitioner submits Uncontested Withdrawal of Complaint 1/12/01– Order of Dismissal
16.	10/16/00	10/18/00	Anthony Leffert, Chairman- Jefferson County Democratic Party	Bill Crane, Republican Candidate	Alleged violations of the FCPA	OS 2000-12	1/3/01– Petitioner withdraws Complaint 1/16/01– Order of Dismissal and Agency Decision
17.	10/19/00	NA	Richard Daily	Taxcut 2000, Douglas Bruce, Registered Agent for Taxcut 2000	Alleged violations of the FCPA	Complaint incomplete per Rule 26.3- required information missing. Complainant notified 10/20/00	
18.	10/18/00	10/20/00	Sharron Klein on behalf of Denver Democratic Party	John Gonce, HD 1 candidate	Alleged violations of FCPA: Failure to report contributions, expenditures and obligations pursuant to Sec. 1-45-108(1)(a), CRS of FCPA	OS 2000-15	4/13/01 – Agency Decision- Complainant Klein failed to prove a violation of the FCPA by Respondent Gonce
19.	10/20/00	10/31/00	Elise Jones on behalf of Coloradans for Responsible Growth	Coloradans for Responsible Reform	Alleged violations of the FCPA	OS 2000-18	1/18/01 – Order of Dismissal and Agency Decision: on 12/18/00 Respondents filed Motion to Dismiss; on 1/10/01 Petitioner called DOAH stated that Petitioner no longer wants to pursue the action.
20.	10/24/00	10/24/00	Carolyn Wyckoff	Americans for Gun Safety, AGS Action Fund, Tides Foundation, Andrew McKelvey, Jonathan Cowan, Scott Reed	Alleged violations of the FCPA	OS 2000-16	12/14/00 – Petitioner submits Withdrawal of Complaint 12/15/00 – Order of Dismissal.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
21.	10/24/00		Lisa Larsen	Children First! Issue Committee	Alleged violations of the FCPA	Complaint incomplete per Rule 26.3, request to petitioner to provide required info	
22.	10/25/00	10/26/00	Karen Teja	Friends of Dave Schultheis	Alleged violations of the FCPA	OS 2000-17	1/26/01– Order of Dismissal- on 1/22/00 Petitioner filed notice of withdrawal of the complaint, matter dismissed
23.	10/30/00	11/1/00	Steve Welchert	Fund for Colorado's Future, Rob Fairbank, Registered Agent	Alleged violations of the FCPA: Failure to comply with disclosure and reporting requirements	OS 2000-19	8/21/01– Order Re: Respondent's Motion for Summary Judgment- there is no genuine issue of material fact for trial. Respondent has made a convincing showing that genuine issues are lacking. Complainant has failed to demonstrate by relevant and specific facts that a real controversy exists with respect to the allegations of the original complaint...
24.	11/7/00	11/7/00	John Conger	Kenneth Gordon Joyce Foster	Alleged violations of the FCPA	OS 2000-20	2/1/01– Final Agency Decision Dismissing Complaint for Failure to Prosecute- Claimant's failure to keep SOS or DOAH advised of his proper mailing address and his failure to inquire about status of his Complaint after more than 60 days from filing date demonstrate lack of interest in prosecuting complaint; therefore ALJ orders that complaint has been abandoned and that it is dismissed.
25.	12/4/00		Committee "Don't Perfume a Pig" Deborah Bishop, Edith Bryan, Kathy Knobel, Alexander Kunzer, Robin Sharp, Carmen Torres, Dorothy Wisecarver	The City of Lakewood	Alleged violations of the FCPA	Complaint incomplete per Rule 26.3.	12/04/00 – M. Watkins requests additional information from E. Bryan
26.	12/6/00	12/14/00	Sumner Sargent	The Carol McFarland Campaign	Alleged violations of the FCPA	OS 2000-22	4/25/01– Order of Dismissal- on Complainant's notice of withdrawal of his complaint filed in the matter.
27.	12/7/00	12/12/00	Alfred Dietsch, Germaine Kresser Dietsch	Committee to Recall Mick Ireland	Alleged violations of the FCPA	OS 2000-21	5/14/01– Agency Decision and Order of Dismissal, based on Petitioners' and Respondent's Motion to Vacate Hearing and Dismiss With Prejudice.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
28.	1/22/01	1/23/01	David Spreccace	Citizens for Law Abiding Politicians	Alleged violations of the FCPA: Failure to comply with contribution requirements	OS 2001-001	6/4/01– Order Dismissing Appeal Without Prejudice
29.	2/12/01	2/12/01	Colorado Common Cause, Pete Maysmith, Exec. Dir. Of CCC	Mike Coffman, State Treasurer	Alleged violations of the FCPA: Expenditure of public moneys to oppose state-wide ballot issue	OS 2001-002 Court of Appeals No. 01CA1709 85 P.3d 551 (Ct. App. 2003) Supreme Court 03SC397 102 P.3d 999 (Colo. 2004)	5/7/01– ALJ Order- Complainant's motion for summary judgment granted in part, denied in part. As matter of law, Treasurer not authorized to use public resources exceeding \$50 to urge electorate to vote against Amendment 23. Hearing will address whether Treasurer's actions met two exceptions, (1) the \$50 exception of 117(1)(a)(II) and (2) the "resolution or position of advocacy" exception of 117(1)(b)(III). 8/3/01– ALJ Decision- Respondent violated 117 by using more than \$50 of public funds in opposing Amendment 23 and such conduct was not authorized by 117(1)(b)(III); Coffman to pay SOS civil penalty of \$334.92. 3/27/03 – Court of Appeals affirmed. 12/6/04 – Supreme Court affirmed Court of Appeals. The court holds that although the Colorado Constitution and statutes endow the state treasurer, an elected official, with leadership responsibilities that obligate him to monitor the state coffers, his obligations in that regard do not insulate him from the mandates of the FCPA. That Act bars state officials and employees from expending public monies to urge electors to vote for or against any statewide ballot issue pending before the electorate. It does, however, permit state employees with policy-making responsibilities to expend not more than fifty dollars to express personal opinions on pending statewide ballot measures. The court construed the press releases as Treasurer Coffman's opinion on Amendment 23, designed to convince voters to defeat the Amendment. To that end, therefore, he was entitled to expend a sum not in excess of fifty dollars to prepare and promulgate the press releases. Because time spent by treasury department staff working on the releases constituted "contributions in kind" within the meaning of the FCPA, and because public monies expended to compensate department staff for formulating and distributing the releases exceeded the fifty-dollar limit, Treasurer Coffman's press releases violated the provisions of the FCPA. (Court Syllabus)

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
30.	3/12/01	3/13/01	Western Slope Libertarian Party, Tim Jacobs	City of Montrose; Montrose County; Montrose Board of County Commissioners; Montrose County Memorial Hospital	Alleged violations of the FCPA	OS 2001-007	3/26/01 – letter to ALJ from WSLP, signed by T. Jacobs, requesting complaint be withdrawn.
31.	8/29/01	8/31/01	Kathy A. Beer	City of Loveland	Alleged violations of the FCPA: Expending public funds to urge residents to vote for two city ballot issues	OS 2001-012	10/31//01 – Order Granting Motion For Summary Judgment and Agency Decision- Respondent did not violate Section 1-45-117(1)(a)(I)(B) CRS (2001) of the FCPA
32.	10/09/01	10/10/01	Al Brophy	Bob King, Kay Mast, Harrison Education Association	Alleged violations of the FCPA	OS 2001-013	12/24/01– Agency Decision Dismissing Complaint- because Complainant failed to appear at hearing and present evidence or argument, he has abandoned his claim and failed to sustain his burden of proof.
33.	10/11/01	10/12/01	Jon Caldara	City of Idaho Springs, towns of Avon, Breckenridge, Frisco, Vail, Dillon, Eagle, Golden, Silverthorne	Alleged violations of the FCPA	OS 2001-014	1/28/02 – Agency Decision Dismissing Complaint. 2/1/02- Order Regarding Dismissal
34.	10/15/01	10/16/01	Rhoda Schneiderman	Town of Gypsum, Gypsum Town Council, Gypsum Planning Commission	Alleged violations of the FCPA: Claims article written by town council member a violation of FCPA	OS 2001-015	2/28/02 – Agency Decision- No violation of FCPA has been established in relation to article written by town council member....Complaint regarding conduct of Respondents dismissed
35.	10/23/01	10/24/01	Marian Olson	City of Golden, Golden City Manager, Clerk, Attorney, Finance Director, and City Council members	Alleged violations of the FCPA: Expenditure of public moneys to urge electors to vote against proposed charter amendment	OS 2001-016	1/16/02 – Order Granting Summary Judgment and Agency Decision; Complaint dismissed in its entirety.
36.	12/03/01	12/05/01	Jim Tatum, Las Animas County Attorney	Glenn Moltre Richard Lawler	Alleged violations of the FCPA: publicizing false newspaper advertisements; failed to register as issue or political committee	OS 2001-017	3/11/02 – Final Agency Decision Dismissing Complaint- ALJ does not have jurisdiction to conduct hearing, impose sanctions upon Respondents based on allegations set forth in Complaint

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
37.	12/20/01	Resubmit - 3/14/02	M. Young, R. Fabec, V. Davis, W. Potter, G. McDaniel	Glenn Moltrtr Richard Lawler James Turner	Alleged violations of the FCPA	OS 2002-002	6/6/02 – Order of Dismissal
38.	3/27/02	3/29/02	John Knezovich	Dudley Brown	Alleged violations of the FCPA	OS 2002-003	5/24/02 – Final Agency Order and Order of Dismissal- based on the failure of Complainant to respond to the Order to Show Cause, the ALJ deems that there is no objection to dismissing the complaint in this matter; accordingly, it is hereby ordered matter dismissed.
39.	4/24/02	4/25/02	Glenn Moltrtr Richard Lawler	Citizens United For A Positive Government, Mark Young, Robert Fabec, V. James Davis, William B. Potter, Gerald B. McDaniel, Mark Ritz	Alleged violations of the FCPA	OS 2002-004	5/17/02 – Order Granting Complainants' Motion to Dismiss M. Young, R. Fabec, V. James Davis, W. Potter, G. McDaniel as Respondents 5/23/02- Second Order Granting Complainants' Motion to Dismiss
40.	5/2/02	5/3/02	Thomas Graham	The North Jeffco Parks & Recreation District, Lawrence R. McGinly, Bob West, Janice G. Eckhardt, Robert S. Loveridge, Carolyn Jacobs	Alleged violations of the FCPA	OS 2002-005	7/2/02 – Order of Dismissal
41.	5/7/02	5/8/02	Jason Pavlovic	St. Mary's Property Owner's Association Board of Directors: C.J. Galbraith, Gloria Bowman, Karen Wedding, Cathy Harper, Anthony Ramsey, Cory Camallieri, Julie Flaherty	Alleged violations of the FCPA: political message disclosures, expenditures; failure to register as political committee, expenditure disclosures	OS 2002-006	8/7/02 – Order Granting Summary Judgment and Agency Decision- violations asserted by the Complaint cannot be established. Complaint dismissed.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
42.	6/11/02	6/17/02	Sharon Schoening	Intercanyon Fire Protection District Board of Directors, Robert Chamberlain, Richard M. Barnes, Dianna Roder	Alleged violations of the FCPA: Violations of FCPA pursuant to Sec. 1-45-111(2), C.R.S.	OS 2002-007	7/30/02 – Complaint dismissed in its entirety. Complaint in matter filed pursuant to Sec. 1-45-111(2), C.R.S., which authorizes the filing of complaints with the Sec. Of State alleging violations of certain provisions of the FCPA. A review of the violations listed, however, shows that none of the four grievances raised by Complainant can be characterized as a violation of these enumerated provisions of the FCPA.
43.	7/15/02	7/15/02	Maynard, Alison	Attorney General Ken Salazar, Citizens for Ken Salazar, Inc., Chris Romer; The Coca-Cola Co.; Multimedia Holdings Corp.	Alleged violations of the FCPA: Failure to report campaign contributions, expenditures; contribution amount exceeds limits; failure to report contributions in kind	OS 2002-009	10/15/02 – Agency Decision- Respondents have not violated FCPA, Amended Complaint dismissed in its entirety
44.	8/1/02	7/30/02	Pleasant, Tim W.	The Conservative Fund, Norma Anderson, Kelly Weist	Alleged violations of the FCPA: Failure to give required notice of independent expenditure in excess of \$1,000; failure to make required disclosure; failure to register as candidate committee or political committee; failure to report contributions and expenditures	OS 2002-010	10/25/02 – Order Granting Respondents' Motion to Dismiss Granted, Complaint Dismissed- respondents' activities described in Complaint are not subject to regulation under the FCPA, the Complainant can prove no set of facts that would entitle him to relief
45.	8/14/02	8/15/02	Duran, Thomas F.	Bill Thiebaut, Billy Thiebaut, Campaign Manager for Senator Bill Thiebaut	Alleged violations of the FCPA	OS-2002-011	10/24/02 – Final Agency Order and Order of Dismissal- Complainant requests withdrawal of Complaint
46.	8/20/02	8/21/02	Muller, Michael	Steve Burkholder	Alleged violations of the FCPA: Use of public funds/resources to endorse a political candidate	OS 2002-012	12/9/02 – Agency Decision- by issuing a letter of support for Sam Zakhem's candidacy on City of Lakewood stationery and with City personnel assistance, Mayor Burkholder expended public funds to support a candidate's campaign for nomination to public office and made a contribution in a campaign involving the nomination of a person to public office, as prohibited by Section 1-45-117(1)(a)(I), C.R.S. (2002)

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
47.	9/6/02	9/26/02	Bowles, Richard	Jerry Bergeman, Clarke Becker, Lucile Fehn, Greg Winkler, Citizens for Better Roads, represented by Gary Cote	Alleged violations of the FCPA	OS 2002-017	9/29/03 – Final Agency Decision Dismissing Appeal: ALJ ... hereby finds and orders as follows: ... Complainant's Appeal of Rulings of Administrative Law Judge is deemed a Motion for Reconsideration of ALJ's Orders dated 6/3/03, and is denied. Complainant failed to respond to Respondent's discovery requests, that Respondents therefore filed their Motion to Compel. On 6/3/03 ALJ ordered Complainant to respond to Teller County Respondents' discovery requests within 10 days of the date of the Order... Complainant failed to comply with Order. ... Arguments presented in Complainant's Response to Respondents' Motion for Sanctions are without merit... ALJ authorized pursuant to provisions of C.R.C.P. 37(b)(2)(C) to enter an order dismissing an action where a party fails to obey an order to provide discovery... Accordingly, matter dismissed with prejudice.
48.	9/23/02	9/26/02	Philp, Alan	Liane "Buffie" McFadyen, the McFadyen 2002 Campaign Committee; Chris Munoz, Committee treasurer	Alleged violations of the FCPA	OS 2002-016	11/8/02 – Final Agency Order and Order of Dismissal- Complainant requests withdrawal of Complaint
49.	10/2/02	10/3/02	Fox, Paul	Clyde Spero, Judith Kahle, Helen Hill, Jeanie Reeser	Alleged violations of the FCPA	OS 2002-018	1/14/03 – Final Agency Order and Order of Dismissal- parties have reached a Stipulation, which resolves issues raised by Complaint

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
50.	10/2/02	10/7/02	Skruch, Kevin	Highlands Ranch Metropolitan Districts 1 – 5 (Jay Sage, Terry Nolan)	Alleged violations of the FCPA: Expenditure of public funds to influence vote on local ballot issue	OS 2002-019 Court of Appeals No. 03CA1332 107 P.3d 1140 (Ct. App. 2004)	5/27/03 – Agency Decision- Respondents expended public money to urge voters to support local ballot issue, constituting violation of Section 1-45-117(1)(a)(I)(B), C.R.S.; ALJ imposes fine of \$300 against Metro Districts to be paid to the Secretary of State 7/10/03 – Notice of Appeal filed with Court Appeals on behalf of Highlands Ranch Metropolitan District Nos. 3 and 4. 10/28/03 – Post Decision Order... to the extent the ALJ retains any jurisdiction in this matter following appeal to the Court of Appeals, the ALJ dismisses the Motion for Contempt and the Motion for Approval of Supersedeas Bond. The ALJ returns the \$400 check to the Metro Districts. 12/30/04 – Court of Appeals affirmed decision of ALJ. Court agreed with ALJ that (1) the brochure urged electors to vote for the ballot issue (and there need not be words of express advocacy), (2) statutory definition of “expenditure” did not apply to metro district boards, (3) “expenditure” occurred when a payment is made <u>and</u> when there is a contractual agreement and the amount is determined, and (4) brochure urged passage of initiative even though contents of initiative were not determined until after brochure was mailed. 2/3/05 – SOS received via fax copy of agency decision and proof of \$300.00 check to pay SOS for fine.
51.	9/23/02	10/10/02	Darnell, Jack	A. Wong Hsu, H. Rich, D. Pohill, C. Baker	Alleged violations of the FCPA: Violations of FCPA Sec. 45- 105.3 (8), 1-45-108, Rule 26	OS 2002-020	1/13/03 – Order Granting Respondents’ Motion To Dismiss and Agency Decision- Complainant has failed to state a claim upon which relief can be granted
52.	10/11/02	10/15/02	Sampron, Robert J. F.	Citizens for Norma Anderson, N. Anderson, K. Grebe, P. Kirchoff (Qwest Colorado PAC), Vanatta, Sullan, Sandgrund & Sullan, PC	Alleged violations of the FCPA: Contribution amounts exceed stipulated limits	OS 2002-021	11/12/02 – Final Agency Decision and Order of Dismissal- for failure to prosecute this matter

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
53.	10/14/02	10/15/02	A. Maynard	K. Salazar, Citizens for K. Salazar, Inc., G. Reiff, R. Reiter, The Tyson Organization	Alleged violations of the FCPA	OS 2002-022	1/22/03 – Final Agency Order and Order of Dismissal-based on Stipulated Motion to Dismiss in which parties stipulate to the dismissal of Complaint
54.	10/17/02	10/22/02	Mac Williams	Mesa County Citizens for Representative Government	Alleged violations of the FCPA: Failure to comply with reporting and disclosure requirements	OS 2002-023	3/27/03 – Agency Decision that MCCRG failed to comply with Sec. 108(1)(a) of the FCPA in its 10/11/02 report of a \$5,000 contribution, but did not otherwise violate the FCPA; no sanction is authorized by the FCPA for this violation.
55.	10/21/02	10/23/02	H. Shroyer	H. Hill, C. Spero	Alleged violations of the FCPA: Expending public funds to endorse a candidate for public office	OS 2002-024	4/11/03 – Agency Decision; because Complainant has failed to establish that Respondents violated provisions of the FCPA in connection with Spero endorsement letter; matter dismissed.
56.	10/22/02	10/23/02	Charles W. Carter	The Committee To Elect Rob Fairbank, the Fund For Colorado's Future	Alleged violations of the FCPA: Non-compliance with disclosure requirements for independent expenditures, contribution limits, and registration information requirements	OS 2002-025	2/26/03 – Agency Decision that neither the Fund for Colorado's Future nor the Committee to Elect Rob Fairbank violated the Fair Campaign Practices Act and that the complaints in OS 2002-025 and OS 2002-029 are dismissed in their entirety
57.		10/24/02	John O. Ross	Kathy Connell, Paul Hughes	Alleged violations of the FCPA	OS 2002-026	1/14/03 – Final Agency Decision and Order of Dismissal-Complainant requests withdrawal of complaint
58.	10/24/02	10/30/02	Lane Mills	Montrose County	Alleged violations of the FCPA	OS 2002-028	11/15/02 – Final Agency Order and Order of Dismissal-Complainant requests withdrawal of complaint
59.	10/29/02	10/30/02	Charles W. Carter	The Committee To Elect Rob Fairbank, the Fund For Colorado's Future	Alleged violations of the FCPA: Non-compliance with disclosure requirements for independent expenditures, contribution limits, and registration information requirements	OS 2002-029	2/26/03 – Agency Decision that neither the Fund for Colorado's Future nor the Committee to Elect Rob Fairbank violated the Fair Campaign Practices Act and that the complaints in OS 2002-025 and OS 2002-029 dismissed in their entirety
60.	10/29/02	12/27/02	Charles Bucknam	John Evans, Citizens for John Evans	Alleged violations of the FCPA: Failure to file timely reports of contributions	OS-2002-032	3/17/03 – Agency Decision that Citizens for John Evans violated the FCPA, Sec. 1-45-108(2.5), C.R.S., by failing to file reports with the SOS within 24 hours of receipt of three contributions of \$1,000, \$1,500, and \$1,000 received respectively from American Family Insurance, Colorado Realtors PAC and Colorado Medical Society PAC.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
61.	10/30/02	10/30/02	Rob Fairbank	Charles W. Carter	Alleged violations of the FCPA: Failure to timely report campaign contribution	OS 2002-027 In the matter of the Complaint filed by Rob Fairbank regarding alleged violations of the FCPA on the part of The Committee To Elect Charles W. Carter	2/26/03 – Agency Decision that the Committee to Elect Charles W. Carter violated the Fair Campaign Practices Act, Section 1-45-108(2.5), C.R.S., by failing to file a report of its \$1,000 contribution from CWA Local 7777 with the Secretary of State within 24 hours of receipt of this contribution on October 15, 2002
62.	11/4/02	11/4/02	Britta Singer	James Murphy, The Committee to Elect Jim Murphy	Alleged violations of the FCPA	OS 2002-030	2/28/03 – Corrected Final Agency Order and Order of Dismissal- based on Stipulation for Dismissal with Prejudice in which both parties agree to dismissal of complaint
63.	11/26/02	12/3/02	Mac Williams	"Friends of Ron Teck," candidate committee; Ron Teck	Alleged violations of the FCPA: Failure to comply with expenditure, disclosure, contribution requirements	OS 2002-031	9/9/03 – Agency Decision Granting Summary Judgment - Respondents' have established that there are no genuine issues as to any material facts and that they are entitled to judgment as a matter of law.
64.	1/22/03	1/24/03	Mac Williams	Grand Junction Area Realtors Assoc., aka Mesa County Board of Realtors; Colorado Assoc. of Realtors, and Colorado Assoc. of Realtors, Issues Political Action Committee	Alleged CPF violations: Failure to comply with disclosure, registration requirements, etc.	OS 2003-001	6/20/03 – Agency Decision Granting Motion for Summary Judgment and Motion To Dismiss For Failure To Submit Pre-Hearing Statement 8/7/03- Order Denying Motion for Award of Attorneys' Fees and Denying Award of Costs
65.	2/11/03	2/18/03	Hal Shroyer	Helen Hill, Judith Kahle, Jeannie Reeser	Alleged CPF violations	OS 2003-002	4/16/03 – Final Agency Order and Order of Dismissal- parties have reached a Stipulation, which resolves the issues raised by the Complaint
66.	2/13/03	2/19/03	Vicki Johnson	Sheridan 2002 Recall Committee represented by Mary Carter and Chanele Beacham	Alleged CPF violations: Failure to report contributions as required by the FCPA; violations of certain provisions of the FCPA, Section 1-45-101 et seq., C.R.S. (2002)	OS 2003-003	5/27/03 – Agency Decision- Complainant has failed to prove that Respondents have violated Section 108(1)(a) of the FCPA; Complaint dismissed.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
67.	3/21/03	3/21/03	Douglas Bruce	Lorne Kramer, Kathryn Young, Michael Anderson, Patricia Kelly; Colorado Springs City Council, City of Colorado Springs, Does I- X	Alleged CPF violations: Expenditure of public moneys to influence vote on local ballot issue	OS 2003-005	7/22/03 – Agency Decision- Complainant failed to establish the City of Colorado Springs or the Colorado Springs Council committed any violation of Section 1-45- 117(1)(a)(I)(B), C.R.S. (2002) of the FCPA in connection with the City's use of public funds to produce and distribute the Issue 1A Factual Summary.
68.	3/25/03	3/26/03	Charles Bucknam	Ted Harvey, Committee to Elect Ted Harvey	Alleged CPF violations: Failure to timely report campaign contribution	OS 2003-006	6/4/03 – Final Agency Order and Order of Dismissal- parties have stipulated to the dismissal of all claims asserted in the matter.
69.	6/30/03	7/3/03	Susan Berzac	Ken Chlouber; Committee to Elect Ken Chlouber; Qwest Communications; Automatic Data Processing	Alleged CPF violations: Failure to comply with contribution limits	OS 2003-011	7/21/03 – Final Agency Decision and Order of Dismissal- By stipulation of the parties the complaint is dismissed with prejudice as to Qwest and Automatic Data Processing; and to Ken Chlouber and The Committee to Elect Ken Chlouber to the extent that the complaint relates to contributions by Qwest and ADP; by stipulation of the parties the complaint is dismissed without prejudice as to Ken Chlouber and The Committee to Elect Ken Chlouber as to the allegations related to \$1,257.59 in non- itemized contributions.
70.	7/2/03	7/3/03	Susan Berzac	Tom Wiens; Tom Wiens for State House District 45, candidate committee; Centennial Printing	Alleged CPF violations: Failure to comply with contribution limits	OS 2003-010	8/5/03 – Final Agency Order and Order of Dismissal- on Stipulation to Dismiss With Prejudice in which parties stipulate to dismissal with prejudice of the Complaint in this matter.
71.	7/3/03	7/7/03	Charles Bucknam	Governor Bill Owens; Citizens for Bill Owens	Alleged CPF violations: Failure to comply with contribution limits	OS 2003-009	7/28/03 – Order Granting Motion to Dismiss- ... Hearings are to be held pursuant to Section 24-4-105, C.R.S. Section 24-4-105(2)(a), C.R.S. Any person entitled to notice of a hearing shall be given timely notice <i>of the nature thereof. Id.</i> In response to new information, the Complainant attempts to use old complaint to allege an entirely new theory. This does not provide adequate notice and is not permitted. The oral motion to dismiss made at hearing is granted. 8/18/03 – Supplement to Order Granting Motion To Dismiss

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
72.	7/22/03	7/24/03	Charles Bucknam	Governor Bill Owens, Citizens for Bill Owens, Lt. Governor Jane Norton, Friends of Jane Norton	Alleged CPF violations	OS 2003-012	9/18/03 – Order For Dismissal With Prejudice of Petitioner's Complaint
73.	8/25/03	8/27/03	Martin Bolt	City of Littleton; Kelli Nardi, Assistant to Littleton City Manager; Julie Bower, Littleton City Clerk	Alleged CPF violations: Expenditure of public funds to influence vote on local ballot issue	OS 2003-015	9/12/03 – Agency Decision- Complaint dismissed after hearing. Section 1-45-117(1)(a)(I) did not apply to local ballot initiative to reduce and ultimately repeal City of Littleton's 1% tax on food.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
74.	9/11/03	9/12/03	Mac Williams	Ron Teck; Friends of Ron Teck, candidate committee	Alleged CPF violations: Failure to comply with contribution requirements	OS 2003-022 Court of Appeals No. 03CA2456 113 P.3d 1255 (Ct. App. 2005)	<p>11/20/03 – ALJ Decision that Teck and the Committee have not violated the FCPA or Article 28 of the Colorado Constitution in any respect alleged in the Amended Complaint. Complaint dismissed. Respondents granted 20 days to file request for attorney fees and costs.</p> <p>1/13/04 – Order Denying Respondents' Motion for Attorney Fees and Costs</p> <p>4/7/05 – ALJ decision by Colorado Court of Appeals (Case No. 03CA2456). Under Article 28, sec. 3(3)(e), Teck was not required to report unexpended campaign contributions at the end of an election cycle expressly as "contributions from a political party". Teck legitimately could report as "contributions" funds received in December 2002, even though Teck was term-limited. Nothing in the constitution, statute, or rules "forbid the overreporting of information relevant to campaign finance". Teck could lawfully use unexpended contributions to pay legal fees incurred in defending himself and his candidate committee against a complaint. The definition of "expenditure" does not limit the kinds of expenses that a committee may report. Teck's candidate committee was not required to amend its registration to reflect that Teck was a candidate for federal office. The Court declines to address Williams' contention that the ALJ should have ordered the Secretary of State to change "the forms, instructions, rules, procedures, filing and indexing systems" that candidates use, because those arguments were not raised in the agency action and because the Secretary of State has never been a party to this action.</p>
75.	9/19/03	9/19/03	John C. Dill	Support Colorado's Economy and Environment, committee	Alleged CPF violations: Failure to report unexpended campaign contributions as contributions from a political party pursuant to Art. XXVIII, sec. 3(3)(e); use of unexpended contributions to pay for legal services in violation of uses permitted by 1-45-106(1)(b).	OS 2003-023	<p>9/22/03 – Hearing set for 10/3/03</p> <p>10/3/03 – Order Vacating Hearing and Notice of New Hearing Date – hearing rescheduled for 10/24/03</p> <p>11/12/03 – Order Granting Motion to Dismiss Complaint, Order Vacating Hearing and Order for Preservation of Documents</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
76.	9/23/03 (Filed with Colorado Attorney General)	10/2/03	Allen M. "Mac" Williams	Committee to Elect Donetta Davidson and Donetta Davidson in her Official Capacity as Secretary of State	Alleged CPF violations: Failure to report unexpended campaign contributions as contributions from a political party. Alleged failure to perform official duties under Article 28, Campaign Finance Rules 26.1 and 26.2, and CRS 24-4 Part 1.	OS 2003-024 Court of Appeals No. 04CA0644	10/28/03 – Order Denying Motion to Dismiss 1/9/04 – ALJ Decision that Davidson and the Committee have not violated FCPA or Article 28 of Constitution in any respect alleged in the complaint. Complaint dismissed with prejudice. Respondents granted 20 days to file request for attorney fees and costs. 3/8/04 – Order granting request for award of attorney fees 6/30/05 – Court of Appeals decision without published opinion. Orders of ALJ affirmed. Attorney General dismissed as a party to the appeal, since Complainant did not join the AG in the administrative proceeding. In referring complaint to ALJ, AG acted properly under XXVIII, sec. 9(2)(a) & (b), which does not authorize him to conduct an investigation and permits only referring a complaint to an ALJ for hearing. Procedure followed by AG in referring the complaint to an ALJ did not violate Complainant's right to due process and equal protection. Complainant has no liberty or property right to demand an investigation beyond that authorized and required by the constitutional provision and enforcing rules. ALJ properly awarded attorney fees to Respondent. Court declined to consider Complainant's contention that ALJ erred in not considering a pattern of prejudicial conduct on the part of the Director of the Division of Administrative Hearings.
77.	10/15/03	Pending	Joseph Rouse	Perry Lorenz	Alleged CPF violations: Failure to file campaign report		Complaint incomplete – sent letter to complainant explaining process for filing a complaint, requested additional information- respondent's mailing address
78.	10/21/03	10/22/03	Thomas Graham	Bruce Roome (Citizens for a Safe Arvada); Bob Dyer, Bob Frei, Ed Thomlinson, Douglas Schneider, Joseph Domenico (Arvada Fire Protection District, Board members)	Alleged CPF violations: Failure to comply with disclosure, contribution requirements; use of public funds while engaged in campaigning activity	OS 2003-025	10/23/03 – Notice of Hearing – hearing scheduled for 11/6/03 11/6/03 – Final Agency Order and Order of Dismissal- based on Complainant's Withdrawal of Complaint 2/23/04 – Response by Thomas Graham regarding a claim in case No. OS 2003-025, Motion and Request for an Order Awarding Attorneys' Fees, Costs and Expenses 3/8/04 – Order denying motion for an award of attorneys' fees, costs and expenses

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
79.	10/27/03	10/29/03	Glenn Raleigh	Teller County Re-2 School Board (Steve Hart, Jenny Cowan, Laurie Glauth, James Turner, Janet VanOstenbridge) ; Teller County School Superintendent John Pacheco	Alleged CPF violations: Expenditure of public monies to influence vote on ballot issue	OS 2003-026	11/12/03 – Final Agency Order and Order of Dismissal based on complainant's Notice of Withdrawal of Complaint filed 11/12/03
80.	10/27/03	Pending	Terence Hall	"Vote No On A" issue committee; "Citizens For Colorado's Water, Inc." issue committee	Alleged CPF violations:		10/27/03 – Complaint incomplete. Faxed copy of Rules/CPF laws and letter to T. Hall requesting mailing addresses of respondents
81.	10/29/03	10/31/03	Douglas Bruce	Jose Aponte, Does I-X	Alleged CPF violations: Expenditure of public monies to influence vote on local ballot issue	OS 2003-027	11/12/03 – Final Agency Order and Order of Dismissal based on Complainant's written request that matter be dismissed without prejudice...
82.	11/3/03	11/12/03	John Dill	Wembley PLC, Wembley USA	Alleged CPF violations: Failure to report contributions	OS 2003-028	11/13/03 – Notice of Hearing – scheduled for 11/26/03 1/13/04- Final Agency Order and Order of Dismissal
83.	12/26/03	12/30/03	Becky Walker	Committee for Constitutional Rights; Paul Kendall, CFCR Registered Agent	Alleged CPF violations: Failure to timely report campaign contribution and expenditures	OS 2003-029	1/2/04 – Notice of Hearing- Hearing scheduled for 1/14/04 3/8/04 – Final Agency Order and Order of Dismissal

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
84.	2/9/04	2/12/04	Charles H. Bucknam	Douglas County Commissioner Jim Sullivan, Committee to Elect Jim Sullivan, State House District 45 Candidate James Sullivan, et. al	Alleged CPF violations: Illegal Corporate Contributions	OS 2004-001 (Related case OS 2004-0015)	2/19/04 – Notice of Hearing-scheduled for 2/27/04 @ 9:00 a.m. 3/29/04 – Order Denying Motion to Dismiss of Intermountain Rural Electric Association 4/19/04 – Order - Court having reviewed the Stipulation and Agreement and the Petitioner's Motion to Dismiss grants said Settlement and Agreement and dismisses the action as against Resp., Edw. C. Levy Co. with prejudice. 4/19/04 – Order - Court having reviewed the Stipulation and Agreement and the Petitioner's Motion to Dismiss grants said Settlement and Agreement and dismisses the above action as against Resp., Bradbury Properties with prejudice 5/3/04 – Order of Dismissal as to Respondent Capital Solutions Consulting, Inc. and as to certain related claims. 5-19-04 – Agency Decision-ALJ found Sullivan and Committee violated SOS Rule 4.10, 8 CCR 1505-6 (failing to return unlawful corp. contributions w/in 30 days) and Resp. were ordered to pay civil penalties, Ray S. Wells Corp. -\$500, Plan West-\$2000, Land Title-\$2000, Natural Balance \$1000. 5/19/04 – Rcvd \$1,000 payment for settlement and agreement against Natural Balance, Inc. 5/20/04 – Rcvd copy of \$1,500 payment for settlement and agreement against Edw. C. Levy Co. 1/15/05: ALJ decision in related case, OS 2004-0015 (appeal of penalty imposed by clerk and recorder).
85.	3/2/04		W.A. Dreiling	Heather Gardens Metropolitan District	Alleged CPF violations:		3/5/04 – Complaint not clear, mailed CPF packet & letter explaining process

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
86.	3/3/04	3/5/04	William S. Simpson	Baroch for Mayor, Committee to Elect Karen Oxman, Committee to Elect Dave Shuey, George W. Part Estate, Inc., and Golden Good Government League	Alleged Campaign and Political Finance Violations	OS 2004-002 Court of Appeals No. 04CA1744 Supreme Court No. 04SC859	5/27/04 – Agency decision: Complaint dismissed. Since City of Golden is a home rule city and since it adopted ordinance that addresses matters covered by Article 28 and FCPA, then Article 28 and the FCPA do not apply to Golden per sec. 1-45-116 and Rule 7.1. City's adoption of 2001 version of FCPA cannot grant enforcement powers to Secretary of State. Respondents' request for attorney fees based on alleged frivolous and groundless complaint cannot be based on section 13-17-101 and –102, since admin. Proceedings are not in "courts or record", nor on section 13-16-107, which does not apply to admin. Proceedings; ALJ finds that no sanction is appropriate under C.R.C.P. Rule 11. 6/14/04 – Simpson filed motion for new hearing or amendment of findings and judgment with ALJ. 7/14/04 – ALJ issued order denying new hearing. 9/8/04 – Motion to dismiss appeal filed with Ct. of Appeals by Golden Good Government League. 11/26/04 – Court of Appeals denied Simpson Petition for Rehearing. 3/21/05 – Petition for writ of certiorari denied by Supreme Court en banc, without published opinion. 4/6/05 – Petitioner's Motion for Reconsideration denied by Supreme Court.
87.	4/8/04	4/8/04	Charles K Mayfield	Silver Creek Water and Sanitation District	Alleged Campaign and Political Finance Violations	OS 2004-003	4/15/04 – Notice of Hearing scheduled for 4/22/04 @ 9:00 am 5/5/04 – Agency Decision-the complaint in this matter is dismissed
88.	4/6/04	4/8/04	Charles H. Bucknam	Tom Wiens, Tom Wiens for State Senate, and Helen E. Kreible	Alleged Campaign and Political Finance Violations	OS 2004-004	4-15-04 – Notice of Hearing scheduled for 4-23-04 @ 9:00 am 4/26/04 – Final Agency order and Order of Dismissal
89.	5/3/04	5/5/04	Mac Williams	Dan Wilkenson & Friends of Dan Wilkenson	Alleged Campaign and Political Finance Violations	OS 2004-005	5/12/04 – Notice of Hearing scheduled for May 20, 2004 @ 9:00 a.m. 5/21/04 – Final Agency Order and Order of Dismissal, Complainant withdrew complaint
90.	6/4/04	6/8/04	Reta McNutt	Kathy Rodeman aka Cargo Rodeman, Stephen Beven aka Spike Beven, William Paxton, and Karen Halterman	Alleged Campaign and Political Finance Violations	OS 2004-0006	7/23/04 – Notice of hearing scheduled for Aug 3, 2004 @ 9:00 a.m. 8/16/04 – Final Agency Order and Order of Dismissal. Based on Complainant's Withdrawal of Complaint and a review of the case file it is ordered that this case is dismissed

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
91.	6/30/04	7/1/04	Charles H. Bucknam	Jeff Wasden, Committee to Elect Jeff Wasden and Front Range Window & Door, Inc.	Alleged Campaign and Political Finance Violations	OS 2004-0009	7/2/04 – Notice of Hearing scheduled for July 15, 2004 @ 9:00 a.m. 8/11/04 – Agency Decision: Resp. Front Range's \$250 contribution to Resp. Committee for candidate for local office violated the prohibition in Art. 28 sec. 3(4)(a) on corporate contributions. Contribution was made in good faith, though, mistaken belief that contribution was lawful; Front Range therefore ordered to pay minimum allowable penalty of twice the amount of the contribution, \$500. Respondents Wasden and Committee did not violate Art. 28 when the Committee accepted the corporate contribution and did not violate SOS Rule 4.10 when they failed to return a corporate contribution within 30 days of its receipt. The Committee violated Art 28 sec. 7 and FCPA sec. 1-45-108 (1) (a) (II) because it failed to disclose the employer of four individuals or couples who contributed \$100 or more; however, ALJ does not have authority under Art 28 or the FCPA to assess a penalty for the violation because Art 28 sec. 10(1) provides for penalties only for Art. 28 violations that relate to contribution or voluntary spending limits, and Art 28 sec. 10(2)(a) provides that penalties for violations of reporting requirements must be assessed by the "appropriate officer", who is the county clerk and recorder in this case.
92.	7/20/04	7/22/04	Charles H. Bucknam	Eva Wilson, Eva Wilson for D.A. 2004, et al.	Alleged Campaign and Political Finance Violations	OS 2004-0010	7/26/04 – Notice of Hearing scheduled for August 3, 2004 @ 9:00 a.m. 9/7/04 – Agency Decision – Under Sec. 3(1)(b) a contributor could make and a district attorney candidate committee could accept a single \$400 contribution without dividing it into two separate contributions of \$200 and designating them as primary and general election contributions. At the time of the challenged contributions, the Secretary of State no longer interpreted Sec. 3(1)(b) to require two separate checks, even though the Secretary's rule requiring two separate checks (Rule 4.7) had not yet been repealed. Also, the contributions occurred after the passage of H.B. 04-1121, which allows a candidate committee to accept the aggregate contribution limit under Sec. 3(1) for a primary or a general election at any time and essentially to spend them anytime. The complaint is dismissed.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
93.	7/20/04	7/23/04	The Colorado Republican Committee	Michael Merrifield, John Morris and Thomas Halfast	Alleged Campaign and Political Finance Violations	OS 2004-0011	8/28/04 – ALJ ordered consolidation of three cases involving M. Merrifield: Case Nos. OS 2004-0011, OS 2004-0012, and OS 2004-0013, pursuant to Rule 7 of Rules of Procedure of the Division of Administrative Hearings. The three cases were consolidated under Case No. OS 2004-0011. 9/16/04 – Final Agency Order and Order of Dismissal. Case dismissed without prejudice upon request of Complainant that its claims against all parties be dismissed without prejudice.
94.	7/20/04	7/23/04	The Colorado Republican Committee	Michael Merrifield, the Hillside Neighborhood Association	Alleged Campaign and Political Finance Violations	OS 2004-0012	8/28/04 – ALJ ordered consolidation of three cases involving M. Merrifield: Case Nos. OS 2004-0011, OS 2004-0012, and OS 2004-0013, pursuant to Rule 7 of Rules of Procedure of the Division of Administrative Hearings. The three cases were consolidated under Case No. OS 2004-0011. 9/16/04 – Final Agency Order and Order of Dismissal. Case dismissed without prejudice upon request of Complainant that its claims against all parties be dismissed without prejudice.
95.	7/20/04	7/23/04	The Colorado Republican Committee	Michael Merrifield	Alleged Campaign and Political Finance Violations	OS 2004-0013	8/28/04 – ALJ ordered consolidation of three cases involving M. Merrifield: Case Nos. OS 2004-0011, OS 2004-0012, and OS 2004-0013, pursuant to Rule 7 of Rules of Procedure of the Division of Administrative Hearings. The three cases were consolidated under Case No. OS 2004-0011. 9/16/04 – Final Agency Order and Order of Dismissal. Case dismissed without prejudice upon request of Complainant that its claims against all parties be dismissed without prejudice.
96.	7/29/04	7/30/04	Maria Garcia Berry	Taxpayers Against Congestion	Alleged Campaign and Political Finance Violations	OS 2004-0014	8/16/04 – Notice of Hearing scheduled for 8/13/04 @ 9:00 a.m. 8/27/04 – Agency Decision: Committee violated 1-45-108(1)(a)(I) by failing to report any contributions and expenditures during a period in which it accepted the value of the cost of setting up its website and the cost of reproducing flyers. Committee ordered to pay a penalty of \$700.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
97.	8/20/04	8/20/04	Committee to Election Jim Sullivan and Jim Sullivan (Appellants)	Charles Bucknam (Appellee)	Appeal regarding penalty imposed by Douglas County Clerk and Recorder against the Committee for violations of Colo. Const. Article XXVIII, sec. 7, and Section 1-45-108 (1)(a)(II) of the FCPA, Sections 1-45-101 et seq., in which Sullivan and the Committee sought an order from the Secretary of State or an ALJ setting aside or reducing the penalty imposed by the Douglas County Clerk and Recorder.	OS 2004-0015 (Related case OS 2004-0001) Court of Appeals No. 05CA0425 140 P.3d 330 (Ct. App. 2006)	9/9/04 – Hearing conducted before ALJ. 1/15/05 – Agency Decision: Appeal dismissed. Appellants filed appeal pursuant to Art. XXVIII, sec. 10(2)(b)(I) of a penalty imposed on the Committee by the Douglas County Clerk and Recorder. Section 10(2) of Article XXVIII permits persons required to file a report with the Secretary of State and upon whom a penalty has been imposed pursuant to Section 10(2) to file an appeal of the penalty with the Secretary of State. Because Appellants are not persons required to file a report with the Secretary of State, they are not authorized to file this Section 10(b)(1) penalty appeal with the Secretary of State and the ALJ lacks jurisdiction to consider the appeal. Consequently, this matter is dismissed for lack of subject matter jurisdiction. 6/1/06 – Court of Appeals affirmed decision of ALJ. The report at issue was filed in connection with Sullivan's position as county commissioner, not as candidate for the general assembly. Consequently, in connection with the report and penalty at issue, appellants were required to file with the county clerk and recorder, not the Secretary of State. The ALJ therefore was correct in dismissing for lack of subject matter jurisdiction.
98.	8/26/04	8/27/04	Robert H. Maddox	Combined Airports Now, LLC	Alleged Campaign and Political Finance Violations	OS 2004-0017	9/2/04 – Notice of Hearing scheduled for 9/8/04 @ 9:00 a.m.
99.	8/26/04	8/27/04	Noel West Lane III	Jean Kelly, Jefferson Cnty R-1 School Dist., Jefferson Cnty R-1 School Dist. Board of Dir., Foothills Park & Rec. Dist.	Alleged Campaign and Political Finance Violations	OS 2004-0016	9/2/04 – Notice of Hearing scheduled for 9/7/04 @ 9:00 a.m. 10/19/04 – Hearing was reset for 10/18/04, on 9/14/04 the School Resp filed a motion to Dismiss. – Agency Decision Granted Motion to Dismiss.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
100.	8/31/04	9/2/04	William Wimsatt	Jefferson Cnty Public Schools, District R-1 & Jefferson Cnty Board of Ed.	Alleged Campaign and Political Finance Violations, that School District spent public money and/or made contributions to urge persons to vote for two referred ballot measures in violation of Article XXVIII and Sec. 1-45-117 of FCPA	OS 2004-0018	10/21/04 – Agency Decision: No violation of the FCPA or Art. 28. Expenditures by School District in preparing and posting “Call to Action” information on its web site <u>prior</u> to actual referral of ballot measures were not covered by FCPA, even though information was in part used to urge voters to support the anticipated ballot issues. Although issue committee supporting the ballot issues copied and used the District’s web site material, such use did not constitute a violation of the FCPA on the part of the District, which made no expenditures after the measures were referred by the District. Prior to referral of the ballot measures, District was not prohibited from communicating with public about its financial condition or attempting to gather support for additional financing measures. Thus, District did not expend public moneys or make contributions to urge persons to vote for referred measures in violation of Art. 28 or sec. 1-45-117 of FCPA.
101.	9/7/04	9/8/04	Charles H. Bucknam	Ted Harvey, Copic Political Committee, Committee to Elect Ted Harvey	Alleged Campaign and Political Finance Violations that Harvey and Harvey Committee accepted excess aggregate contributions in violation of XXVIII, Sec. (3)(1)(b) and violated Rule 4.9, and that COPIC exceeded contribution limits and failed to itemize contributions.	OS 2004-0019	1/3/05 – Agency Decision: Harvey and Harvey Committee violated Sec. 3(1)(b) by accepting aggregate contribution from COPIC in excess of \$400 limit. ALJ lacks jurisdiction to determine whether Harvey and Harvey Committee violated Rule 4.10, concerning return of contributions when occupation and employer information is not provided, because ALJ lacks jurisdiction to determine violations of rules unrelated to statutory or constitutional provisions. COPIC violated Sec. 3(1)(b) by making excess contributions to Harvey and 7 other members of or candidates for General Assembly, but not with respect to 2 other committees. COPIC did not violate XXVIII or FCPA by accepting transfer from COPIC Ins. Co. and not itemizing that sum. Other allegations of Complainant are barred by Sec. 9(2)(a). Civil penalty of \$400 (twice the excess) is assessed against Harvey, for which he is personally liable. Civil penalty of \$3,200 (twice the excess contributions) is assessed against COPIC.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
102.	9/21/04	9/24/04	Rob Fairbank	Pete Mazula and Randal Atkinson	Alleged Campaign and Political Finance Violations	OS 2004-0022	9/28/04 – Notice of Hearing scheduled for 10/6/07 @ 9:00 am 11/30/04 – Agency Decision. Complaint dismissed. Complainant alleged that Defendant Mazula, a candidate for State House District 22, had accepted a contribution from a lobbyist, Defendant Atkinson, in violation of sec. 1-45-105.5. However, sec. 1-45-105.5 is not listed in Art. 28, sec. 9 (2), which establishes a complaint process for alleged violations of specified sections of Art. 28 and Art. 45 (FCPA). Furthermore, Section 1-45-105.5 does not appear as one of the violations for which a sanction may be imposed by “the appropriate officer” in Article 28, Sec. 10. Therefore, ALJ lacked jurisdiction to hear complaint.
103.	9/21/04	9/24/04	Taxpayers Against Congestion	Colo. Environmental Coalition, Denver Metro Chamber of Commerce, Metro Denver Economic Development Corporation a d/b/a of the Denver Metro Chamber of Commerce	Alleged Campaign and Political Finance Violations	OS 2004-0020	9/28/04 – Notice of Hearing scheduled for 10/4/04 @ 1:30 pm
104.	9/22/04	9/24/04	Pete Beverly and Heather Rae	Citizens for Sensible Energy Choices	Alleged Campaign and Political Finance Violations	OS 2004-0023	9/28/04 – Notice of Hearing scheduled for 10/7/04 @ 9:00 am 11-9-04-Agency Decision The ALJ found that the respondent did not violate Section 1-45-108 (a)(I) of the FCPA therefore complaint was dismissed.
105.	9/22/04	9/24/04	Taxpayers Against Congestion	RTD and FasTracks Yes	Alleged Campaign and Political Finance Violations	OS 2004-0021	9/28/04 – Notice of Hearing scheduled for 10/5/04 @ 9:00 am 11/8/04 – Final Agency Order and Order of Dismissal. On 11/3/04, Complainant filed a written request to withdraw complaint.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
106.	10/6/04	10/06/04	Frank Grimaldi	Town of Mead, Colorado	Alleged Campaign and Political Finance Violations that Town violated 1-45-117 when mayor sent letter to voters regarding annexation election.	OS 2004-0024	10/15/04 – Notice of Hearing 10/19/04 @ 9:00 am 10/19/04 – Order Granting Motion to Continue, Prehearing Order and Notice of Continued Hearing, set for 11/18/04 11/16/04 – Order denying motion for summary judgment of the Town of Mead, Colorado and denying Complainants motion for summary judgment. 12/2/04 – Complaint dismissed. Section 1-45-117 prohibits public entities from spending public moneys in only 4 types of ballot issues. The Town’s annexation election was not one of those types. Facts presented do not establish a violation over which ALJ has jurisdiction.
107.	10/13/04	10/15/04	Frederick F. Reiter	Committee to Take Back Our Property Rights	Alleged Campaign and Political Finance Violations	OS 2004-0026	10/21/04 – Notice of Hearing, set for 10/26/04 @ 9:00 am
108.	10/14/04	10/15/04	Clay Vigoda	Coloradans for Responsible Reform	Alleged Campaign and Political Finance Violations	OS 2004-0025	10/21/04 – Notice of Hearing-set for 10/25/04 @ 9:00 am 12/10/04 – Final Agency Order and Order of Dismissal based on complainant filing a motion to dismiss on 12/9/04.
109.	10/14/04	10/15/04	Manolo González-Estay	Citizens for Sensible Energy Choices	Alleged Campaign and Political Finance Violations by failing to report non-monetary contributions from Xcel Energy, in the form of a newsletter Xcel sent to customers with their monthly utility bills	OS 2004-0027 Court of Appeals No. 05CA233	10/21/04 – Notice of Hearing, set for 10/28/04 @ 9:00 am 12/20/04 – Agency Decision: Complaint dismissed. Newsletter was prepared by Xcel in regular course and scope of its business and not at direction of Committee, and does not fall under definition of “contribution”. 2/1/05 – Petitioner’s Notice of Appeal filed with Colorado Court of Appeals. (Colorado Court of Appeals Case No. 05 CA 233) 3/16/06 – Court of Appeals affirmed ALJ in unpublished decision.
110.	10/14/04	10/15/04	Lawrence Hunter	Senate Majority Fund LLC	Alleged Campaign and Political Finance Violations	OS 2004-0028	10/22/047 – Notice of Hearing, set for 10/25/04 @ 9:00 am

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
111.	10/15/04	10/18/04	André Vigil	Dennis Hisey	Alleged Campaign and Political Finance Violations by failing to: report name of contributor's occupation and employer in instances when the contributor donated \$100 or more, report the status campaign loans; report accurate information about certain contributors and reimbursements, report non-monetary contributions and the value of the costs associated with setting up and maintaining a campaign website, and file a report with the Secretary of State for a \$1000 contribution received thirty days before the general election.	OS 2004-0029	11/16/04 – Agency decision: Complaint's allegations relating to 10/29/03 report are dismissed because they occurred more than 180 days prior to the filing of the complaint. Allegations relating to candidate affidavit and committee registration are dismissed because ALJ has no jurisdiction over claims arising under 1-45-110. Respondent violated 1-45-108 (1)(a) with regard to the reporting requirements for \$100 contributions in three reports; no sanction is warranted because Respondent acted in good faith and corrected the violation promptly after deficiencies were called to his attention. Respondent violated 1-45-108 (2.5) by failing to report a \$1,000 contribution within 24 hours; ALJ imposes penalty of \$500. Respondent violated FCPA by not reporting value of cost of setting up and maintaining its website; no sanction is warranted because there was no evidence regarding when the website was set up, when the Committee starting using the website, and the value of the costs associated with establishing and maintaining the website.
112.	10/20/04	10/22/04	Denise Mund	Reasonable Policy for Arvada	Alleged Campaign and Political Finance Violation	OS 2004-0030	11/1/04 – Notice of Hearing, set for 11/8/04 @ 9:00 am 12/23/04 – Complaint dismissed. At date and time of hearing, no one appeared on behalf of Complainant or Respondents. Complainant did not meet burden of proof.
113.	10/26/04	10/27/04	Douglas Bruce	School District 11 Superintendent Norman Ridder, Glenn Gustafson, Frank Bernhard, and Does I-XII.	Alleged Campaign and Political Finance Violation	OS 2004-0031	11/1/04 – Notice of Hearing, set for 11/12/04 @ 9:00 am 3/9/05 – Agency Decision Dismissing Complaint With Prejudice And Imposing Attorney Fees: Complaint dismissed pursuant to C.R.C.P. 37(b)(2)(C) as sanction for Complainant's refusal to comply with discovery requests of Defendants and orders of ALJ. ALJ orders Complainant to pay Defendants \$1,000 for their attorney fees as additional sanction pursuant to C.R.C.P. 37(b) and section 24-4-105(4), C.R.S., plus all costs and attorney fees related to enforcement and collection of the \$1,000 sanction.
114.	10/27/04	11/1/04	Committee to Elect Jerry Mallett	Committee to Elect Frank McMurry	Alleged Campaign and Political Finance Violation	OS 2004-0032	11/8/04 – Notice of Hearing, set for 11/10/04 @ 9:00 am 11/15/04 – Agency Decision Dismissing Complaint
115.	10/29/04	11/1/04	Boulder County Firefighters PAC	Jason Michael Bowen, David Christenson, Adam Fedor, and Others Unknown	Alleged Campaign and Political Finance Violation	OS 2004-0033	11/8/04 – Notice of Hearing, set for 11/10/04 @ 9:00 am 11/15/04 – Final Agency Order and Order of Dismissal

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
116.	10/29/04	11/1/04	Roger Hoffmann	Committee to Elect Glenn Gibson	Alleged Campaign and Political Finance Violation	OS 2004-0034	11/8/04 – Notice of Hearing, set for 11/12/04 @ 1:00 pm 11/16/04 – Order of Dismissal and agency decision
117.	11/17/04	11/19/04	Charles Bucknam	Tom Wiens, Mike May, James R. Sullivan, Copic Political Committee, et al.	Alleged Campaign and Political Finance Violation	OS 2004-0035	11/24/04 – Notice of Hearing 12/2/04 @ 9:00 am 3/11/05- Sullivan violated Section 1-45-108(1)(a)(I), C.R.S. (2003) because he failed to report expenditures as required. A penalty of 1575.00 was imposed, all other allegations were unfounded.
118.	1/5/05	1/10/05	Manolo Gonzales-Estay	Xcel Energy Corporation	Alleged Campaign and Political Finance violations by failing to disclose costs of customer newsletters urging defeat of Amendment 37	OS 2005-0001 Court of Appeals No. 05CA1740	7/15/05 – Agency Decision. Complaint dismissed. Xcel did not violate FCPA or Article XXVIII. Xcel Energy did not meet the first definition of an “issue committee” because it did not have a major purpose of supporting or opposing a ballot issue or question. Its newsletters were not a “contribution” as defined in XXVIII, sec. 2(5)(a). The newsletters were not an “expenditure” as defined in XXVIII, sec. 2(8) because they were communications made in the regular course and scope of Xcel’s business. 8/16/05 – Notice of Appeal filed with Court of Appeals, Case No. 05CA1740 12/7/06 – Court of Appeals affirmed ALJ in unpublished decision.
119.	2/4/05	2/8/05	Donna Cuddy	Public Education Committee	Alleged Campaign and Political Finance violations by failing to report expenditures in accordance with 1-45-108(1)(a)(I).	OS 2005-0002	1/16/05 – Notice of Hearing 2/18/05 @ 9:00 am 3/18/05 – Final Agency Order and Order of Dismissal: Based on stipulated dismissal, complaint is dismissed with prejudiced, hearing scheduled for 3/21/05 is vacated, and Public Education Committee ordered to pay a penalty of \$10,000 to Secretary of State within 10 days.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
120.	2/22/05	2/23/05	Wayne Rutt & Paul Marrick	Poudre Education Association, Colorado Education Association, and Poudre School District	Alleged Campaign and Political Finance violations by PEA by coordinating its electioneering activities with Bob Bacon campaign, compensating its volunteers for their efforts on behalf of Bacon campaign, illegally causing public facilities and resources to be used for partisan politics, and illegally engaging in express advocacy supporting election of Bacon.	OS 2005-0003 Court of Appeals No. 05CA1718 151 P.3d 585 (Ct. App. 2006) Supreme Court No. 06SC559	<p>6/29/05 – Agency Decision (Corrected Decision issued 7/14/06). Motion to exclude evidence gathered by complainants from trash dumpster is denied. PEA, CEA, and PSD did not violate FCPA or Article XXVIII. Complaint dismissed. Complainants did not establish coordination between the associations and Bacon campaign.</p> <p>7/20/06 – Court of Appeals: Order reversed and case remanded with directions. The coordinated activities by the CEA and PEA constituted an illegal contribution to the Bacon campaign under 2(5)(a)(IV) and violated 3(4)(a). The Court affirmed ALJ's evidentiary ruling, but reversed the ALJ's denial of attorney fees prior to filing motion.</p> <p>5/19/08 – Supreme Court: Decision of Court of Appeals is reversed, and the case is remanded with directions to return it to ALJ for further proceedings on the remaining issue of attorney fees. Contrary to the Court of Appeals decision, it is not necessary to resolve this case by defining "coordination". The CEA and PEA did not make prohibited expenditures or contributions in violation of. XXVIII, 3(4)(a) when they organized volunteer events for their members to distribute campaign literature on two weekends in support of Bacon's candidacy in Senate District 14 prior to the 2004 general election. Payment of union staff salaries for time spent organizing the events constitutes "payments for communication solely with members and their families" under the membership communication exception to the definition of "expenditure" in sec. 2(8)(b)(III). The membership communication exception for expenditures must be extended to the definition of a "contribution" in sec. 2(5)(a). In addition, the unions' conduct does not meet the definitions of a "contribution" under sec. 2(5)(a)(II) and 2(5)(a) (IV).</p> <p>6/19/08 – Court of Appeals issued Mandate. 7/21/08 – ALJ issued Notice of Hearing Upon Remand, setting hearing on issue of attorney fees for 11/21/08.</p> <p>11/21/08 – Order of Dismissal. Proceeding dismissed based on Stipulated Motion to Dismiss with Prejudice filed by the parties. Hearing upon remand scheduled for 11/21/08 is vacated.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
121.	3/28/05	3/31/05	Leland Gilbert	Alliance for Colorado Families	Alleged Campaign and Political Finance violations by political committee's accepting 32 contributions in excess of \$500 per House of Representatives cycle in violation of XXVIII, sec. 3(5).	OS 2005-0006 Court of Appeals No. 05CA2137 172 P.3d 964 (Ct. App. 2007)	<p>7/5/05 – ALJ issued Order Granting Summary Judgment as to Liability without a hearing, following prehearing conferences and motions for summary judgment. ALJ found that Alliance for Colorado Families (ACF) violated XXVIII, sec. 3(5).</p> <p>8/30/05 – Hearing held by ALJ on issue of liability.</p> <p>9/6/05 – Agency Decision. ACF became a political committee when it made an expenditure of \$18,000 for an advertisement in opposition to one candidate and in support of his opponent. All of the contributions that it accepted in excess of \$500 were made prior to that date. However, once an organization becomes a political committee, it is subject to the \$500 contribution limit for the entire House of Representatives cycle; the \$500 limit applies retroactively to contributions already received during the cycle. Pursuant to Sections 9(2)(a) and 10(1), the ALJ imposes a penalty of \$36,000, which is twice the amount of the expenditure.</p> <p>11/1/07 – Court of Appeals vacated order and remanded with directions to ALJ to determine, in light of <i>Colorado Right to Life Committee, Inc. v. Coffman</i>, 498 F.3d at 1141-42 (2007) whether ACF's "major purpose" in 2004 was the nomination or election of candidates and whether was ACF was a "political committee" in 2004.</p> <p>2/6/08 – Final Agency Order and Order of Dismissal of Matter Upon Remand. On Stipulation for Dismissal with Prejudice filed by the parties on 2/5/08, the matter is dismissed with prejudice.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
122.	3/29/05	3/31/05	Harold L. Wiesberg	Fred Neal, Carol Buhr, & Earl Scopel	Alleged Campaign and Political Finance violations by recall committee's failure to register on time and failure to report the cost of certain flyers printed by another group, the rental value of the use of school, and the value of legal advice received.	OS 2005-0005	4/8/05 – Notice of Hearing 4/13/05 @ 9:00 am 4/18/05 – Rcvd Carol Buhr's copy of the complaint by US mail due to "Not Deliverable", forwarded info. to ALJ's office on 4/22/05. 4/26/05 – Agency Decision. Complaint dismissed. During the time period relevant to the complaint, respondents met neither prong of the definition of "issue committee" in XXVIII, sec. 2(10)(a) during the time period at issue. Therefore, no violations of requirements for an issue committee to register or to report were established. Recall committee did not make expenditures or accept expenditures in relation to certain flyers of another group, the use of the school, or the receipt of legal advice.
123.	4/5/05	4/7/05	Justus Reed Drake and Joe Hall	Dewey Shanks, Norman D. Pritchard, Richard H. Clark and a committee to recall David Habecker	Alleged Campaign and Political Finance violations by failing to register appropriate officer, failing to provide a registered agent, and failing to file a Disclosure Report.	OS 2005-0008	4/12/05 – Rcvd all respondent's copies of complaint back by US mail due to "No Mail Receptacle", forwarded info. to ALJ's office on 4/15/05. 4/14/05 – Notice of Hearing –4/20/05 @ 9:00 am 4/25/05 – Agency Decision dismissing complaint- Complainants failed to establish violations.
124.	4/5/05	4/7/05	Justus Reed Drake and Joe Hall	Estes Park Citizens for Representative Government, Maureen "dee" Pritchard, et al.	Alleged Campaign and Political Finance violations by recall committee failing to register with the appropriate officer, failing to provide a registered agent, failing to file Disclosure Reports.	OS 2005-0007	4/15/05 – Notice of Hearing 4/21/05 @ 9:00 am 7/20/05 – Agency Decision. At the hearing, ALJ granted motion to dismiss individual respondents, since allegations were only against the Committee. The ALJ finds that the Committee is an issue committee, not a political committee, since its purpose was to recall a local elected official, not nominate or elect a candidate. The Committee was required to file its committee registration within 10 business days of receiving its first contribution, which was a loan, and it was required to file its first report of contributions and expenditures within 15 days after it was required to file its registration, not 15 days after it actually filed its registration. The Committee violated § 1-45-108 (6) by filing its registration 21 days late and by filing its first report 6 days late. The ALJ reduces the daily penalty from \$50 to \$10 per day for good cause shown, and imposes a total fine of \$270, which is 21 days X \$10 plus 6 days X \$10. 8/1/05 – Check for \$270 received by Secretary of State from Maureen Pritchard.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
125.	4/19/05	4/21/05	Kent Lambert	AndrewRomanoff .com, Committee to Elect Lois Tohtrop and Alice Madden for House District 10	Alleged Campaign and Political Finance violations by the various candidate committees re: amounts spent and for what purposes funds were spent.	OS 2005-0010	5/9/05 – Rcvd Notice of Hearing, set for 5-16-05 @ 9:00 a.m. 8/2/05 – Complaint dismissed with prejudice by ALJ upon Motion to Dismiss filed by Complainant through counsel on 8/1/05.
126.	4/27/05	4/27/05	Stephen Fish	The Daily Sentinel, Pete Hautzinger, and William H. Kain.	Alleged Campaign and Political Finance violations by Kain in connection with ads published by an unregistered committee.	OS 2005- 0009	5/9/05 – Rcvd Notice of Hearing, set for 5-12-05 @ 9:00 am 5/31/05 – Rcvd notice via email that Judge Norcross severed Case No. OS 2005-009 into 2 separate cases. Fish v. William Kain (OS 2005-0009) & Fish v. the Daily Sentinel & Hautzinger (OS 2005-0012).
127.	5/27/05	5/31/05	David Harwood	Parents Alliance for Choice in Education (Choice) and Parents Alliance for Reform in Education (“Reform”)	Alleged Campaign and Political Finance violations by failing to disclose expenditures to the Sec. Of State.	OS 2005-0014	6/10/05 – Rcvd Notice of Hearing, set for 6/13/05 @ 9:00 am
128.	5/27/05	5/31/05	David Harwood	Senate Majority Fund LLC (“Senate LLC”)	Alleged Campaign and Political Finance violations (1) by failing to disclose to the SOS phone surveys that qualify as electioneering communications violated reporting requirements (2) failing to specify the amounts spent on mailings, radio and website for each candidate violated reporting requirements (3) failure to correctly report specific expenditures as a political Committees contribution s or independent expenditures.	OS 2005-0013 Court of Appeals No. 05CA1925 141 P.3d 962 (Ct. App. 2006)	7/28/05 – Agency Decision. Prior to hearing, Complainant moved, without objection, to dismiss 2 nd and 3 rd claims, which ALJ granted. Remaining claim was that was that Senate Majority Fund (SMF) failed to disclose as electioneering communications telephone surveys/polls dealing with candidates for state legislative office that were paid for by SMF. The telephone polls met the general definition of “electioneering communication” in XXVIII, 2(7)(a), but, under the facts of this case, they were excluded from the definition by sec. 2(7)(b) because they were “made in the regular course and scope” of the SMF’s business. Therefore, SMF did not violate XXVIII or FCPA with respect to the telephone polls. 6/29/06 – Order affirmed by Court of Appeals, but on different grounds. “We conclude the Colorado electorate intended Article XXVIII to regulate communication that expresses ‘electoral advocacy’ and tends to ‘influence the outcome of Colorado elections.’ **** Here, V&A’s poll did not seek to influence voters or sway public opinion, but instead merely asked neutral questions to collect data and measure public opinion. Accordingly, we conclude the opinion poll conducted by V&A did not constitute “electioneering communication” under the Amendment.”

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
129.	5/27/05	5/31/05	Patrice Hauptman	All Children Matter-Colorado ("ACM"), House Majority Fund LLC ("House LLC") or House Majority Fund PAC (House PAC")	Alleged Campaign and Political Finance violations by (1) ACM filing a false report, overstating its expenditure total (2) ACM filed its post-election report after the deadline date.	OS 2005-0015	6/10/05 – Rcvd Notice of Hearing, set for 6/13/05 @1:30 pm 9/7/05 – Complaint dismissed by ALJ upon Complainant's Motion to Voluntarily Dismiss all Claims.
130.	5/27/05	5/31/05	Patrice Hauptman	Straight Talk Colorado ("STC")	Alleged Campaign and Political Finance violations by (1) failure to report amounts spent on electioneering communications	OS 2005-0017	6/9/05 – Rcvd Notice of Hearing, set for 6/15/05 @ 9:00 am 6/14/05 – Complaint dismissed by ALJ upon Complainant's Motion to Voluntarily Dismiss Claims.
131.	5/27/05	5/31/05	Patrice Hauptman	Americans for Better Government LLC, d/b/a Americans for Better Government ("ABG")	Alleged Campaign and Political Finance violations by (1) Failure to report amounts spent for electioneering disclosure reports to the SOS	OS 2005-0016	6/9/05 – Rcvd Notice of Hearing, set for 6/14/05 @ 9:00 am 8/15/05 – Complaint dismissed with prejudice by ALJ upon Complainant's Motion to Voluntarily Dismiss Claims filed by Complainant through counsel on 8/15/05.
132.	5/31/05	4/27/05	Stephen Fish	Daily Sentinel and Pete Hautzinger	Alleged Campaign and Political Finance violations (1) by newspaper for charging lower advertising rates to Republicans than to other candidates running for same office, (2) by Hautzinger for ads published by his committee containing false and libelous accusations against the Petitioner	OS 2005-0012	5/31/05 – Rcvd notice via email that Judge Norcross severed Case No. OS 2005-009 into 2 separate cases. Fish v. William Kain (OS 2005-0009) & Fish v. the Daily Sentinel & Hautzinger (OS 2005-0012). 6/14/05 – Hautzinger's Motion to Dismiss Complaint #2 granted by ALJ. ALJ orders Hautzinger's name removed from caption of case. Complainant argued that Hautzinger violated section 1-13-109, which prohibits false statements about candidates; however, ALJ does not have jurisdiction over complaints arising under section 1-13-109, which must be filed with district attorney. 7/18/05 – Agency decision. Complaint against Daily Sentinel dismissed with prejudice with consent of Complainant pursuant to mediation conference held on 6/29/05.
133.	6/24/05	6/28/05	Ross G Kaminsky	Holtzman for Governor Exploratory Committee	Alleged Campaign and Political Finance violations by failing to report employer or occupations by donors	OS 2005-0018	7/13/05 – ALJ dismissed case on the written withdrawal of complaint filed by Ross G. Kaminsky

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
134.	6/29/05	7/1/05	Charles Bucknam	Rep. Mike May, Arch Coal Inc, Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. State PAC, et. al	Alleged Campaign and Political Finance violations by Greenberg, accepting contribution to a political committee in excess of \$500 & failure to register political committee, Arch for making a corp. contribution & failure to register political committee and filing reports, May failure to register political committee and filing periodic report.	OS 2005-0019	7/13/05 – Rcvd Motion to Continue Hearing Date to 9/29/05, due to Arch Coal Inc. receiving Notice of Hearing 3 days prior to set hearing in 7/15/05. 9/23/05 – Agency Decision. At the hearing, ALJ granted Arch Coal's motion to dismiss on the basis that complaint is against Arch Coal Candidate Committee instead of respondent Arch Coal, Inc. Greenberg Traurig PAC is a federal political committee and subject to higher contribution limits than state law, and therefore it did not violate the \$500 contribution limit in Art. 28, Sec. 3(5). Complainant failed to establish that Greenberg Traurig PAC violated 1-45-108 (1)(a)(I) or (3) by not registering and reporting as a state political committee. It is not a state political committee because it did not make contributions <u>in excess of</u> \$200. Representative May failed to comply with reporting requirements of 1-45-108 (1)(a)(II) by not disclosing the employer of one of his \$100 contributors. ALJ concludes that a \$50 per day fine under Section 10(2)(a) from the date of the report to the date of the corrected filing (60 days) would be excessive under the facts of this case. Instead, ALJ finds that a civil penalty of twice the \$100 contribution under Section 10(1) is more appropriate and therefore imposes a penalty of \$200.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
135.	8/4/05	8/5/05	Richard Evans	The Independence Institute and Vote No; It's Your Dough	Alleged Campaign and Political Finance violations by The Independence Institute by failing to register as an issue committee with the SOS and to file a report with the SOS listing contributions and expenditures, and by Vote No; It's Your Dough for failing to include in disclosure with the SOS the value of Institute's contributions at campaign events.	OS 2005-0020	<p>Hearing date originally set for 8/15/05 and later rescheduled; hearing held on 10/12/05.</p> <p>Note: On 10/11/05, Denver District Court denied motion of Independence Institute to stay administrative proceedings in <i>Independence Institute v. Richard Evans and Gigi Dennis</i>, Case No. 05CV7604. On 5/3/07, the District Court granted Defendant's motion for summary judgment, holding that the definition of "issue committee" and the reporting and disclosure requirements are not unconstitutional. Plaintiff appealed to Colorado Court of Appeals (<i>Independence Institute v. Coffman</i>, Case No. 07 CA1151), which affirmed the trial court on 11/26/08.</p> <p>11/4/05 – Agency Decision. The Institute is not an "issue committee" as defined in XXVIII and Rule 1.6 b because the weight of the evidence does not establish that opposing Referenda C and D was a major purpose of the Institute and because, even if opposing Referenda C and D became a major purpose of the Institute, the ALJ declines to expand the definition of issue committee to include the Institute based on the Colorado Supreme Court's analysis in <i>Common Sense Alliance v. Davidson</i>, 995 P.2d 748, 753 (Colo. 2000). Therefore, the Institute did not violate the law by failing to register and report as an issue committee. Three radio ads produced and aired by the Institute were not "contributions" to Vote No as defined in XXVIII, sec. 2(5)(a), even though Vote No used the ads, since there was no evidence that the Institute donated or gifted the ads to Vote No. Therefore, Complainant failed to establish by a preponderance of the evidence that Vote No violated the FCPA by failing to disclose contributions it received from the Institute.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
136.	8/04/05	8/05/05	Marian L. Olson	City of Golden, The Golden city Council	Alleged Campaign and Political Finance violations by City of Golden by not following Article XXVIII for the November 2005 election	OS 2005-0021	Hearing set for 8/19/05 at 9:00 a.m. 8/19/05 – ALJ orally granted respondents' motion to dismiss. In response to respondents' request for an award of attorney fees, ALJ set schedule for respondents to file motion and complainant to file response. 9/12/05 – Agency Decision Dismissing Complaint. The dispute between the parties is apparently whether the provisions of Article XXVIII or the FCPA apply to home rule cities such as Golden. In its motion to dismiss, Defendants assert that the provisions do not apply in the case of elections regarding city offices and local ballot issues, relying on Section 1-45-116, C.R.S. and an opinion of the Attorney General, Op. Att'y Gen. No. 03-1 (2003). The Defendants viewed the complaint as requiring a review of the constitutionality of the Uniform Election Code of 1992, Section 1-1-101, C.R.S. and the FCPA, Section 1-45-101, C.R.S. Defendants argued that the ALJ, sitting on behalf of the Secretary of State, could not declare unconstitutional the Secretary of State's enabling legislation at Section 1-45-116, C.R.S. However, ALJ finds that, whatever the merits of such argument, the complaint is premature; ALJs, like courts, should not give advisory rulings. The complaint does not allege a specific instance of a violation of XXVIII or the FCPA. Since there is not yet an actual case or controversy, the ALJ granted the Defendants' motion to dismiss at the hearing. The ALJ also granted permission for Defendants to file a request for attorney fees, which they did on 9/1/05, seeking \$2,659.50 in attorney fees. After considering the authority in sec. 1-45-111.5 as amended in 2005, to award attorney fees when an action is brought without "substantial justification", the ALJ declines to award attorney fees, noting that the complainant is not an attorney and that "there is insufficient basis to ascribe to Complainant the level of sophistication that would warrant the potential chilling of the complaint process by the imposition of attorney fees."

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
137.	8/22/05	8/23/05	Richard Evans	Colorado FreedomWorks, FreedomWorks, Inc., and Colorado Club for Growth	Alleged Campaign and Political Finance violations by Colorado FreedomWorks for failing to register as an issue committee with the SOS and by Colo. FreedomWorks, FreedomWorks Inc and Colorado Club for Growth for failing to file contribution and expenditure reports.	OS 2005-0022	8/29/05 – Hearing set for 9/1/05 @ 9:00 am 11/16/05 – Final Agency Order and Order of Dismissal. Complaint dismissed with prejudice by ALJ upon Joint Motion to Dismiss Claims and Vacate Hearing filed on 11/10/05.
138.	8/29/05	8/30/05	Joe Stengel	Buffie McFadyen	Alleged Campaign and Political Finance violations by misusing state funds for campaign purposes under C.R.S. 1-45-117.	OS 2005-0023	9/6/05 – Hearing set for 9/12/05 @ 9:00 am
139.	10/11/05	10/13/05	William C. Cisney	Marty Brzecezk and Doug Clark	Alleged Campaign and Political Finance violations by city council candidates for distributing a publication not properly identified as paid political advertising	OS 2005-0024	10/21/05 – Hearing set for 10/27/05 @ 9:00 am 10/28/05 – Complaint dismissed by ALJ after hearing. Due to confusion surrounding identity of proper respondents and lack of notice to intended respondents, Complainant agreed to voluntarily withdraw the complaint. Complainant will re-file a new complaint clearly specifying the proper respondents and indicating which provisions of FCPA and Article XXVIII have been violated.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
140.	10/20/05	10/21/05	Tom Janich	Dick McLean, American Dream Home Realty Inc., Glover Pipe Line Inc. & Don Stephens Construction Company	Alleged Campaign and Political Finance violations by accepting contributions from corporations.	OS 2005-0025	10/28/05 – Hearing set for 11/4/05 @ 9:00 am. 1/25/06 – Hearing held on complaint. 2/9/06 – Agency Decision. Respondent corporations violated XXVIII, § 3(4)(a) by making contributions to the Committee to Elect McLean, and the ALJ assesses a penalty of \$100 against each corporation. However, there is no corresponding violation by the committee or Respondent McLean. Respondent Edwards was dismissed as a Respondent during the hearing because his only involvement is that he is the registered agent of the Committee to Elect McLean, and neither XXVIII or the FCPA attach any liability to a registered agent. The City of Brighton, although a home rule municipality, has not adopted any charter provisions, ordinances, or resolutions that address any of the matters covered by Article XXVIII or Title 1, Article 45. Therefore, under the Formal Opinion of the Attorney General dated January 13, 2003 and SOS Rule 7.1, Article XXVIII and the FCPA apply to Respondent's actions. The January 13, 2003 AG opinion concluded that § 3(4)(a) of Article XXVIII, limiting corporate or labor organization contributions, does not apply to candidates for local offices. However, Secretary of State Rule 7.2 exempts the limitations of § 3(4) only on home rule counties or municipalities that have adopted charters, ordinances, or resolutions that address matters covered in Article XXVIII or the FCPA. The City of Brighton's charter contains no such provisions addressing corporate contributions. Therefore, the ALJ concludes that § 3(4) of Article XXVIII does apply to the facts of this case.
141.	10/20/05	10/24/05	Bill Smith	Mayor Steve Burkholder, City Manager Mike Rock, and Councilman Bob Murphy	Alleged Campaign and Political Finance violations of C.R.S. 1- 45-117 by mayor, city manager, and councilman for spending taxpayer dollars to support sales tax increase on November 2005 ballot.	OS 2005-0026	10/28/05 – Hearing set for 11/7/05 @ 9:00 am 11/17/05 – Agency Decision Dismissing Complaint. The prohibition in 1-45-117 against spending public funds in certain campaigns applies only to public entities and not to individuals. Therefore, ALJ grants defendants' motion to dismiss the individual defendants. Since these individuals are the only defendants, the case is dismissed in its entirety.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
142.	10/26/05	10/28/05	Joseph Henjum	Unknown Entities, John Does 1 and 2	Alleged Campaign and Political Finance violation by failing to register as political committees and failing to file reports with the SOS.	OS 2005-0028	11/14/05 – Final Agency Order and Order of Dismissal. On 11/2/05 an Order to Show Cause was issued to Complainant to show cause in writing why the complaint should not be dismissed for failure to comply with Rule 6.3. Complainant filed a timely Response on 11/9/05. Upon review of the response, ALJ finds that Complainant failed to show good cause why the complaint should not be dismissed for failure to properly identify the respondents and to provide mailing addresses for the respondents. Therefore, the complaint is dismissed without prejudice. Complainant may re-file a complaint that complies with Rule 6.3.
143.	10/28/05	10/28/05	Lane Mills	Community Options Inc.	Alleged Campaign and Political Finance violation of C.R.S. 1-45-117 by a community centered board for expending public funds to transport clients to participate in a demonstration in support of a ballot issue.	OS 2005-0027	11/9/05 – Hearing set for 11/21/05 @ 9:00 am 2/10/06 – Rcvd agency decision dismissing complaint. Agency Decision- Community Options is not a “political subdivision” or otherwise a state entity as enumerated under §1-45-117(1)(a)(I) of the FCPA. Therefore, the FCPA is inapplicable to Community Options as a matter of law and the Complaint filed by Mill is dismissed in its entirety.
144.	11/16/05	11/18/05	Dann Kramer (original Complainant was Citizens for Superior Open Space)	No 2A, Joseph Labazon, Dave Leonard, & Grant Jacobs	Alleged Campaign and Political Finance Violations by issue committee for not registering before accepting contributions and/or making expenditures, for not filing reports in a timely manner, for not opening a separate bank account, for not including employer information for contributions in excess of \$100, and for other errors in reporting.	OS 2005-0029	11/29/05 – Hearing Set for 12/2/05 @ 9:00 am 1/18/06 – Agency Decision. Hearing on 1/3/06. Original complaint signed by Dann Kramer purported to be a complaint by Citizens for Superior Open Space, but Kramer was not a proper representative of that organization and chose to go forward on the complaint as an individual. The Committee “No 2A” violated XXVIII, sec. 3(9) by failing to open a bank account in the name of the committee, violated sec. 7 by omitting employer information for contributors of \$100 or more, and made an incomplete filing since a \$165 contribution was not accounted for, but Jacobs, Labazon, and Leonard did not commit any violations of XXVIII as alleged. ALJ imposes a civil penalty against the Committee in the amount of \$730, which is the minimum penalty of twice the amount of contributions involving violations, since the principals of the Committee acted in good faith. No specific sanction addresses the failure to put contributions in a separate bank account. Although XXVIII, sec. 10(1) indicates that a candidate is liable for penalties imposed on the candidate’s committee, there is no similar provision concerning issue committee: therefore, Joseph Labazon and Dave Leonard are not personally liable for the issue committee’s penalties.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
145.	11/17/05	11/18/05	Trinidad City Clerk Audra Fatur	AFSCME Council 76	Alleged Campaign and Political Finance violations by labor organization for expending funds to support candidates in the absence of the appropriate committee filing.	OS 2005-0030	<p>11/22/05 – Hearing set for 12/1/05 @ 10:00 am 2/3/06 – Agency Decision. The Union violated §§ 3(4)(a) and 5 of Article XXVIII, and the ALJ imposes a total penalty of \$1,975.</p> <p>The Union paid for six newspaper ads expressly advocating the election of three city council candidates at the November 8, 2005 election. The ads were paid for prior to the date the Union registered as a small donor committee and prior to the date it created a separate account. The Union therefore violated Section 3(4)(a) of Article XXVIII, which prohibits a labor organization from making contributions to a candidate committee or from making any expenditures expressly advocating the election or defeat of a candidate unless that corporation or labor organization first establishes a political or small donor committee.</p> <p>The City of Trinidad, although a home rule municipality, has not adopted any charter provisions, ordinances, or resolutions that address any of the matters covered by Article XXVIII or Title 1, Article 45. Therefore, under the Formal Opinion of the Attorney General dated January 13, 2003 and SOS Rule 7.1, Article XXVIII and the FCPA apply to Respondent's actions.</p> <p>The January 13, 2003 AG opinion concluded that § 3(4)(a) of Article XXVIII, limiting corporate or labor organization contributions, does not apply to candidates for local offices. However, Secretary of State Rule 7.2 exempts the limitations of § 3(4) only on home rule counties or municipalities that have adopted charters, ordinances, or resolutions that address matters covered in Article XXVIII or the FCPA. The City of Trinidad's charter contains no such provisions. Therefore, the ALJ concludes that § 3(4) of Article XXVIII does apply to the facts of this case.</p> <p>Respondent also violated XXVIII, § 5(1) by failing to deliver notice in writing to the Secretary of State of its independent expenditure and by failing to make the necessary disclosures required by § 5(2) in the ads.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
146.	11/28/05	12/1/05	Jeff Tippet	Town of Snowmass Village	Alleged Campaign and Political Finance violations of 1-45-117 by Town for using public funds to promote three town ballot issues.	OS 2005-0032	<p>2/8/06 – Agency Decision. Town violated 1-45-117(1)(a)(I)(B) by expending \$223 in public funds to produce and air a video presenting positive aspects of tax issues at the November 1, 2006 local election. Section 117(4) provides that a violation of section 117 is “subject to the sanctions authorized in section 1-45-113 or any appropriate order or relief”, but section 1-45-113 has been repealed. However, the ALJ imposes a civil penalty in the amount of \$446 pursuant to Art. XXVIII, sec. 10(1).</p> <p>The Town did not violate section 117 by expending public funds to place an article about the tax issue in local newspapers. Although the article emphasized the virtues of the design and location of a new town hall, it was informative in the context of a larger informative publication and did not refer to the town hall ballot issue and did not implicitly or explicitly advocate the passage of the ballot issue. The ALJ distinguished these facts from those in <i>Skruch v. Highlands Ranch Metropolitan Dists.</i>, 107 P.3d 1140 (Colo. App. 2004).</p> <p>The Town did not violate sec. 117 by publishing a resolution in a local newspaper urging electors to support all three ballot measures. A private group paid the costs of placing the advertisement, but the Town spent \$3.83 on employee time to report the passage of the resolution. Such expenditure by the town is permitted by the exception in sec. 117(1)(a)(III)(A) that allows a political subdivision to pass a resolution or take a position of advocacy on an issue.</p>
147.	11/28/05	12/1/05	William J. Harris	Big Sandy Fire District	Alleged Campaign and Political Finance violation of 1-45-117 by fire district for using public funds and equipment to promote a positive vote for the fire district.	OS 2005-0031	<p>12/27/05 – Rcvd hearing notice, hearing set for 12/15/05 @ 9:00</p> <p>12/30/05 – Agency Decision. Complaint dismissed. Complainant failed to prove elements necessary to establish a violation of 1-45-117. Record failed to establish that the ballot question was covered by 1-45-117. Specifically, the record is insufficient to determine that the ballot issue was either a local ballot issue or a referred measure covered by the FCPA. It is also questionable whether there was an “expend[iture] of any public money” or “contribution” under the FCPA. It does not appear that allowing signs to be placed on fire department vehicles constituted a gift or loan of property or that such action had a fair market value.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
148.	2/7/06	2/10/06	Christopher P. Robillard	Mountain View Fire Protection District Chief John Devlin, Deputy Chief Steve Pishke, et al.	Alleged Campaign and Political Finance violations by fire protection district for using public funds to promote a proposed bond issue and mil levy increase (in violation of 1-45-117) and for failing to register an issue committee.	OS 2006-0001	2/17/06 – Rcvd hearing notice, hearing set for 2/24/06 at 9:00 am. 3/2/06 – Final Agency Order Dismissing Complaint for Failure to Appear. Complainant failed to appear at hearing and provided no explanation for his failure to appear. ALJ determines that the Complainant has abandoned his complaint, and the complaint is dismissed.
149.	2/16/06	2/21/06	Doug Stinehagen	State Representative Michael Merrifield	Alleged Campaign and Political Finance violations by failing to report amounts received as campaign contributions and failing to report amounts spent on campaign expenditures.	OS 2006-0002	03/03/2006 – Rcvd hearing notice, hearing set for 3/8/06 at 9:00 am. 3/17/06 – Agency Decision. Complaint dismissed. Evidence failed to establish that poll conducted by the Senate Majority Fund was a “contribution” to Rep. Merrifield as that term is defined in XXVIII, Sec. 2(5). Specifically, evidence failed to establish that the poll was “anything of value” to Rep. Merrifield or that it was “for the purpose of promoting the candidate’s nomination, retention, recall, or election”. Therefore, evidence failed to show that Merrifield and his candidate committee violated the contribution reporting requirements of 1-45-108 (1)(a) as charged in the complaint.
150.	03/06/06	03/08/06	Lakewood T Party; William L. Smith, Chairman; Newton W. Vaughan, Treasurer	Lakewood Housing Authority, City of Lakewood; Vote Yes on 2A	Alleged Campaign and Political Finance violations by a government agency contributing to a ballot issue campaign (in violation of 1-45-117); and by a committee for irregularities in a contribution report (in violation of 1-45-108)	OS-2006-0003	03/14/2006 – Rcvd hearing notice, hearing initially set for March 22, 2006 at 9:00 a.m. 05/10/2006 – Agency Decision Dismissing Complaint. At hearing on 5/1/06, Complainant dismissed Vote Yes and advised ALJ that Complainant and Housing Authority had reached a settlement. The parties read the stipulation into the record. On the basis of the Stipulation for Dismissal, ALJ finds that the Housing Authority made an improper payment to the “Yes on 2A” committee, that all funds contributed to Yes on 2A were refunded to the Housing Authority, that the Housing Authority agrees that in the future it will not make any contribution to an issue committee, as prohibited by 1-45-117, and that Lakewood T Party agrees to dismiss the complaint with prejudice.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
151	03-06-06	03-08-06	Steve Durham	Holtzman for Governor Exploratory Committee; If C Wins You Lose Committee	Alleged Campaign and Political Finance violations based on Holtzman prominently appearing in broadcast and mailed ads funded by issue committee "If C Wins You Lose" -- contributions in excess of \$500 limit in Section 3(1)(a)(I), contributions by corporation to candidate committee in violation of Section 3(4), and failure to report contributions in violation of 1-45-108.	OS 2006-0004 Court of Appeals No. 06CA1447	<p>3/23/06 – If C Wins You Lose issue committee dismissed by stipulation</p> <p>3/30/06 – Motion to Dismiss denied and matter reset for hearing April 25, 26, 27 and May 2, 2006.</p> <p>05/31/2006 – Agency Decision. Holtzman Committee violated law by receiving unreported contributions, in the form of TV, radio, and mailed ads produced by the If C Wins You Lose issue committee, of a value in excess of the limits in XXVIII, sec. 3(1)(a). Preponderance of evidence showed that Holtzman Committee exercised significant degree of coordination and control over the Issue Committee and the production of the ads. Ads were produced for the purpose of promoting Holtzman's nomination and had value to the Holtzman Committee, even if the ads subsequently did not have intended effect of benefiting Holtzman's candidacy. The ads constitute contributions to the Holtzman Committee, which were not reported to Secretary of State as required and which were in excess of the \$500 limit. Holtzman's right of free speech does not prevent characterization of ads as illegal contributions under Art. XXVIII. Payments to third parties may be considered contributions even if they do not expressly advocate the election or defeat of an identified candidate. Art. XXVIII, sec. 10(1) imposes a civil penalty of two to five times the amount illegally contributed, received, or spent. Although Issue Committee paid over \$700,000 to produce and distribute the ads, they were not exclusively for the benefit of Holtzman Committee and it is unclear how much of the cost was for ads in which Holtzman appeared, but amount of the contribution to the Holtzman was at least \$501. Multiplying that amount by four results in a penalty of \$2,004. In addition, Art. XXVIII, sec. 10(2) imposes a penalty of \$50 each day that a contribution required to be reported is late. The report was 48 days late, resulting in a penalty of \$2,400. The total penalty imposed is \$4,404, representing a civil penalty of \$2,004 for exceeding contribution limits and \$2,400 for late disclosure of the contribution.</p> <p>11/06/06 – Joint Motion to Dismiss Appeal and Cross-Appeal filed with Court of Appeals. Parties agreed to voluntarily dismiss action with prejudice, with parties bearing their own attorneys' fees and costs.</p> <p>07/19/2007 – Penalty of \$4,404 paid to SOS.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
152	03-08-06	03-09-06	William C. Cisney	Jack Randall	Alleged Campaign and Political Finance violations of Art. XXVIII, Sec. 6 (1) and sec. 1-45-108 by failing to report as electioneering communication two issues of "The Littleton Examiner" published before the November 2005 municipal election.	OS 2006-0005	<p>3/15/06 – Rcvd hearing notice, hearing set for March 21, 2006 at 9:00 a.m.</p> <p>6/21/06 – Order Granting Motion to Dismiss and Agency Decision. The material was not an electioneering communication because it was not distributed within 60 days before a "general election" as required in XXVIII, sec. 2(7)(a). The November 1, 2005 election for Littleton City council members was not a "general election", based on applying the definition of "general election" in section 1-1-104 of the uniform election code to XXVIII and FCPA.</p> <p>8-15-06 – Order Denying Motion for Attorney's Fees and Costs. Respondent's initial request for attorney fees and costs cited only sec. 13-17-102. Respondent's renewed request relied on sec. 1-45-111.5(2) and C.R.C.P. 11. Although Complainant was unsuccessful in arguing that the term "general election" should apply to odd-year elections, his arguments were rational and meritorious and had a legitimate, good-faith basis in law and fact. An award of attorney fees and costs is therefore unwarranted under 1-45-111.5(2). The record did not establish any failure to comply with the reasonable inquiry and proper purpose requirements of Rule 11, nor did the record establish that the complaint failed to assert a legal theory based on existing legal principles or a good faith argument for modification of existing law. An award of attorney fees and costs is therefore unwarranted under C.R.C.P. 11.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
153	03-27-06	03-27-06	Garold A. Fornander	Carla Albers, Bob Lathen and Reginald Perry	Alleged Campaign and Political Finance violations by failing to submit accurate reports to the SOS or El Paso county Clerk's office concerning their expenditures for all electioneering as required by Art, XXVIII, Sec.6(1) and failing to file correct or timely reports with the SOS or El Paso County Clerk's Office, listing its contributions and expenditures to support candidates, in violation of 1-45-108 (1), in connection with candidacies for school board election on Nov. 1, 2005.	OS 2006-0006	<p>3/03/06 – Received hearing notice, hearing set for April 12, 2006 at 9:00 a.m.</p> <p>6/26/06 – Agency Decision. Since the odd-year election is not a “general election, the mailers did not meet the definition of “electioneering communication” because they were not distributed “sixty days before a general election”. (See also OS 2006-0005) The evidence was insufficient to show that any of Defendants failed to timely report costs of mailers after they became aware of such costs. Considering the meaning of “coordination and control”, there was insufficient evidence to establish that expenditures for the mailers were “controlled by or coordinated” with the candidates, except that there was “coordination” between both Albers and Perry and the individual making the expenditures. However, since Albers and Perry disclosed the expenditures as contributions on their reports, their failure to also list them as expenditures was only a technical violation, and therefore no fine is imposed.</p> <p>8-14-06 – Agency Decision. Order Denying the Request for Attorney's Fees and Order Requiring Complainant to Submit a Request for Reconsideration. Although the Complainant was unsuccessful in arguing that the term “general election” should apply to odd-year elections, his arguments were rational and meritorious and had a legitimate, good-faith basis in law and fact. An award of attorney fees and costs is therefore unwarranted under 1-45-111.5(2). Since the Complainant proved his allegation related to two of the Defendants there was no finding that the Second Claim of Relief lacked substantial justification under Section 1-45-111.5(2). Defendants failed to prove they are entitled to attorney fees on the basis Complainant had an intent to harass. The continuance of the hearing so as to conduct a deposition does not warrant an unnecessary expansion of the proceedings. The Request for Reconsideration was granted</p> <p>9-13-06 – Order Denying Motion for Reconsideration and Clarification. On the Motion for Reconsideration, ALJ concluded that the acquittal of Mr. Lathen was incorrect and that he violated Section 1-45-108, under rule of Rutt v. PEA (Court of App, 7/20/06). As to the Request for Clarification, ALJ's previous conclusion of no fine appropriately applies to Mr. Lathan. The ALJ determined that the findings of fact do not support a conclusion that the contributions were accepted any sooner.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
154	04/03/06		Sandy Lipson	Colorado Republican Caucus	Alleged Campaign and Political Finance violation of 1-13-109 (2)(A) False or reckless statements relating to a candidate. The Colorado Republican Caucus is a group that bulk mailed letters in violation of the election law and therefore in violation of campaign finance law concerning the use of illegal funds for printing and mailing letters.	OS 2006-0008	4/14//06- Received hearing notice, hearing set for April 20, 2006 at 9:00 a.m. 4/20/06 – Agency Decision. Complaint dismissed. Complainant has abandoned her complaint.
155	04/04/06		Gerry Smith	Committee to Elect Dale Hall	Alleged Campaign and Political Finance Violation by state representative candidate committee for receiving in-kind contribution in excess of \$200 limit per Article XXVIII, Sec.3 (1)(b).	OS 2006-0007	4/14/06 – Received hearing notice, hearing set for April 19, 2006 at 9:00 a.m. 4/21/06 – Agency Decision. Complaint dismissed. Complainant has withdrawn the complaint.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
156	04/24/06	04/26/06	Charles H. Bucknam	Victor Mitchell for State Representative Christopher Egan Jean Egan	Alleged Campaign and Political Finance Violation by state representative candidate committee for receiving contributions in excess of \$100, per Article XXVIII, Sec.3 (1)(b).	OS 2006-0009	5/02/06 – Received hearing notice, hearing set for May 11, 2006 at 9:00 a.m., subsequently rescheduled to June 30, 2006. 7/14/06 – Agency Decision. The Egans did not make, and Mitchell did not accept or receive, an excess contribution in violation of XXVIII, § 3(1). Mitchell, a candidate for State Representative, received contribution checks of \$500 each from Christopher and Jean Egan, \$100 in excess of the combined \$400 limit in XXVIII, sec. 3(1)(b). After consulting with the Secretary of State's Office, Mitchell mailed \$100 refund checks to each of the Egans and, the next day, deposited the \$500 checks. He reported the \$500 checks as contributions, and the \$100 checks as "returned" contributions. Preliminarily, ALJ determined that, although Egans are residents of Minnesota, their mailing a contribution to a candidate in Colorado established sufficient minimum contacts in Colorado to warrant personal jurisdiction, and personal service was not required by law. Further, ALJ agrees with defendants that there was no excess contribution because checks refunding the excess were mailed before the contribution was deposited. Given that a valid check is negotiable and as good as cash as soon as it leaves the possession of the maker, it is the net effect of a simultaneous exchange of checks that determines whether an excess contribution was made. The ALJ, however, does not agree with defendants that Rule 4.9 creates a safe harbor. Rule 4.3(a) states without exception that a contribution is made, received and accepted on the date it is deposited. Rule 4.9 provides that "Any contributions received in excess of contribution limits shall be returned to the contributor within thirty (30) days." Rules 4.3(a) and 4.9 are harmonized only if Rule 4.9 is interpreted to mean that <i>an illegal</i> contribution must be returned within 30 days.
157	04/24/06		Thomas J. Kirkeness	Robert F. Weller Jay Ortega	Alleged Campaign and Political Finance Violation by not filing a candidate affidavit or a self nomination and acceptance form with the appropriate officer within ten days. Per 1-45-110		

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
158	04/27/06		Edward A. McCallum	Jack Hidahl, Jack O'bayle Pat Braden Roger Pearson Sharon Van Ramshorst Elton Winters Ada Anderson	Alleged Campaign and Political Finance violation of 1-45-117 by using public funds and equipment to encourage voters to vote and to vote for incumbent candidates to prevent "new leaders"	OS 2006-0010	5/04/2006 – Received hearing notice, hearing is set for May 9, 2006 at 9:00 a.m. 07/13/2006 – Agency Decision. Complaint dismissed. Complainant has withdrawn the complaint.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
159	05/17/06	05/22/06	Carol Struble	Holly Williams	Alleged Campaign and Political Finance violation of 1-45-117 by using public funds and equipment to encourage voters to vote for a candidate.	OS 2006-0011	<p>7/13/06 – Corrected Order Granting Motion to Dismiss and Agency Decision. Respondent's Motions to Dismiss are granted, the case is dismissed with prejudice, and the hearing scheduled for July 18, 2006 is vacated. First, Struble alleged that Williams, who is Public Trustee for El Paso County, used her trustee's office while serving as the full-time campaign manager for Dan May, who was a candidate for District Attorney at the August 2004 primary election, that she had a telephone line installed in that office in order to use her own personal computer to run May's campaign and make campaign calls, that in this way Williams expended public moneys to urge electors to vote in favor of May for District Attorney, and that she did so while on the county's time and payroll, in violation of § 1-45-117(1)(a)(I). This claim is dismissed for failure to state a claim upon which relief can be granted because a complainant may not seek relief for alleged violations that are not filed within the 180-day period prescribed by Art. XXVIII, § 9(2)(a). Second, Struble alleged that Williams is not qualified to be a Public Trustee, because she did not have five years of supervisory/business experience prior to her appointment by the Governor. This claim is dismissed because Art. XXVIII, § 9(2)(a) limits the Secretary of State's jurisdiction to hear complaints to campaign and political finance violations, and no provision of the Colorado Constitution or the statutes gives the Secretary of State or ALJs jurisdiction to review matters pertaining to employment qualifications of appointed officials, including Public Trustees. See C.R.S. §38-37-101 <i>et seq.</i></p> <p>10/26/06: Order Denying Respondent's Verified Motion for Attorney Fees and Costs, requested under 1-45-111.5 (2). Substantial public policy reasons mitigate against imposition of sanctions in this matter. To a significant extent, enforcement is allocated to private citizens rather than public officials. Private citizens do not merely file complaints, but also function as private attorneys general or as "prosecutors", and private actions are the sole enforcement mechanism for many provisions. Complainant here represented herself. Imposing fees and costs would have a chilling effect on enforcement.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
160	07/03/06	07/05/06	Patsy Putnam	Tom Sorg Norman Feck Louise Schiller Karen Sampson Wes Cornwell Becky Cornwell Sundance Printing	Alleged Campaign and Political Finance violation of 1-45-108 by not registering or reporting as an issue committee concerning the annexation of "Parker North".	OS 2006-0013	07/14/2006 – Received hearing notice, hearing is set for July 18, 2006 at 9:00 a.m. 09/20/2006 – Stipulation and Entry of Judgment. Parties executed agreement stipulating that respondents met the definition of issue committee, assuming that there was a ballot issue or question, and that no fines, penalties, attorney fees, or other sanctions shall be imposed against either party or their counsel. Approved by ALJ as to form.
161	07/06/06	07/06/06	Rob Fairbank	Mountain West Regional Council of Carpenters Small Donor Committee	Alleged Campaign and Political Finance violation of Article XXVIII, Section 3 (12)(a) accepting contributions from any natural person who is not a citizen of the United States.	OS 2006-0014	07/19/2006 – Received hearing notice, hearing is set for July 24, 2006 at 9:00 a.m. 10/11/2006 – Final Agency Order and Order of Dismissal. Complaint dismissed with prejudice upon Stipulation for Dismissal with Prejudice filed on 10/10/06.
162	7/13/06	7/14/06	Kim E. Sayers	Jeanne Labuda	Alleged Campaign and Political Finance violation of Article XXVIII, Section 3(8), regarding candidate's personal loans to her candidate committee.	OS 2006-0015	07/21/2006 -- Received hearing notice, hearing is set for July 26, 2006 at 09:00 a.m. 8/8/06 – Agency Decision. Labuda did not violate Art. XXVIII, Sec. 3(8) in loaning herself \$35,000 at no interest. Complainant's first argument is that Sec. 3(8) requires that candidates must use financial institutions and pay interest to loan themselves money. However, Sec. 3(8) is in the nature of a safe harbor and contains no prohibition of any kind. It does not address loans made other than through financial institutions. It simply provides that bona fide loans through financial institutions are exempt from contribution limits. Complainant's second argument is that the amount of money Defendant did not have to pay at a commercial rate of interest should have been reported as a contribution, in addition to being reported as a loan. It is unclear how one would determine the amount that should be so reported, but, under the facts of this case, such a determination is not required. Here, the Defendant disclosed all the important information: she reported the amount of the loans, that they were from her, and that she charged herself a zero percent interest rate. To the extent these loans provided a financial benefit to the Defendant because they were at a zero percent interest rate, it is unnecessary to calculate the amount of such benefit, since this information is not necessary for the purpose of determining contribution limits in this case, as these limits do not apply to money a candidate contributes to his or her own campaign. See, Hlavac v. Davidson, 64 P.3d 881 (Colo. App. 2002), which provides that contribution limits may not be imposed on expenditures by a candidate for his or her own campaign.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
163	07/19/06	07/21/06	Cindy Loveland	Citizens for Kiki Traylor, Kathleen (Kiki) Kelble Traylor	Alleged Campaign and Political Finance Violation by failing to report Contributions in accordance with 1-45-108.	OS 2006-0016	07/27/2006 -- received hearing notice. Hearing set for August 2, 2006 AT 09:00 A.M. 7/31/06 – Final Agency Order and Order of Dismissal. Based on Complainant's withdrawal of complaint, complaint is dismissed and hearing for Aug. 2, 2006 is vacated.
164	07/26/06	07/28/06	Elbert County Republican Executive Committee	James M. Bassett, Susan L. Hart, Gregory B. Lopes, AKA(Citizens for an Honest Elbert County)	Alleged Campaign and Political Finance Violation by failing to register as a committee and report any contributions and expenditures with Elbert County Clerk and Recorder in accordance with 1-45-108	OS 2006-0017	08/04/06 – Received hearing notice. Hearing set for August 10, 2006 at 09:00 a.m. Hearing set for November 13, 2006. 11/27/06 – Agency Decision. The Complainant failed to establish by a preponderance of the evidence that Respondents violated § 1-45-108 (6), C.R.S., by failing to file their committee registration form with the appropriate officer within ten business days of receiving their first contribution. The ALJ did determine that Respondents did not comply with the requirement to file their reports of contributions and expenditures for the months of May, June and July 2006 as required by § 1-45-108 (6), C.R.S. The ALJ did not impose a penalty on Respondents for their failure to file timely because it was the failure on the part of the County Clerk and Recorder's Office to transmit the filing form to the Secretary of State which would have created a User ID and Password for the Committee whereby allowing for the filing of their reports electronically; when this did finally occur the committee filed all outstanding reports. Additionally, there was no notice made to the committee of the deficiency and therefore no opportunity was afforded them to remedy the situation.
165	07/24/06		Don Lee & Rob Fairbank	Citizens for Kiki Traylor	Alleged Campaign and Political Finance Violation of Article XXIII, Section 3(9), which requires that "All Contributions received by a candidate committee ... shall be deposited in a financial Institution in a separate account" in a timely manner.	OS 2006-0018	08/04/06 – Received hearing notice. Hearing set for August 11, 2006 at 09:00 a.m. 8/10/06 – Final Agency Order and Order of Dismissal. Complaint dismissed upon Complainants' written request to withdraw their complaint. Hearing vacated.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
166	07/27/06	08/01/06	Charles H. Bucknam	Jack Hilbert, The Committee to Elect Jack Hilbert, Canterbury Development Co. LLC, Liverpool Investments LLC, Randy Karsh, Susan Karsh TH Properties LLC, Ted Kiniry, Elaine Kiniry and Trevey Company LLC	Alleged Campaign and Political Finance 1-45-108(1), 1-45-108(3), and 1-45-109(2) for failure to register as a political committee, failure to report contributions and failure to disclosure occupation and employer of contributor.	OS 2006-0019	08/09/06 – Received hearing notice. Hearing set for August 11, 2006 at 09:00 a.m. 11/17/06 – Agency Decision. The Hilbert Committee violated §§ 1-45-108(1)(a)(I) and 1-45-109 of the FCPA by failing to make an accurate and timely report of a contribution. Mr. Hilbert and his Committee reported a contribution received of \$1,000 from Susan and Randy Karsh when it should have been reported as being from Randall Realty. Upon discovering the error, respondents corrected their report. Hilbert will pay the agreed-upon fine of \$550 fine for the infraction. (Respondents other than Hilbert and the Hilbert Committee were previously dismissed by joint motion.)
167	08/07/06	08/08/06	Jim Ogg	Sara Gagliardi & Senator Sue Windels	Alleged Campaign and Political Finance Violation of Article XXVIII, Sec. 2(9) and 1-45-108(1), failure to disclosure name and address, occupation and employer of contributor.	OS 2006-0020	08/21/06 – Final Agency Order and Order of Dismissal. Upon Complainant's Motion to Dismiss with Prejudice, the complaint is dismissed with prejudice.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
168	07/27/06	07/28/06	Elbert County Republican Executive Committee	James M. Bassett, Susan L. Hart, Gregory B. Lopez, Citizens for an Honest Elbert County	Alleged Campaign and Political Finance Violation of C.R.S. 1- 45-108, failure to register a committee, failure to report contributions and expenditures and failure to file timely reports.	OS 2006-0017 Duplicate	08/04/06 – Received hearing notice. Hearing set for August 10, 2006 at 09:00 a.m. Hearing set for November 13, 2006. 11/27/06 – Agency Decision. The Complainant failed to establish by a preponderance of the evidence that Respondents violated § 1-45-108 (6), C.R.S., by failing to file their committee registration form with the appropriate officer within ten business days of receiving their first contribution. The ALJ did determine that Respondents did not comply with the requirement to file their reports of contributions and expenditures for the months of May, June and July 2006 as required by § 1-45-108 (6), C.R.S. The ALJ did not impose a penalty on Respondents for their failure to file timely because it was the failure on the part of the County Clerk and Recorder's Office to transmit the filing form to the Secretary of State which would have created a User ID and Password for the Committee whereby allowing for the filing of their reports electronically; when this did finally occur the committee filed all outstanding reports. Additionally, there was no notice made to the committee of the deficiency and therefore no opportunity was afforded them to remedy the situation.
169	09/05/06	09/07/06	Erik Hansen	Cottrell Printing Company, Inc.	Alleged Campaign and Political Finance Violation of C.R.S. 1- 45-408, failure to register a committee, failure to report contributions and expenditures.	OS 2006-0021	09/14/06 – Received hearing notice. Hearing set for September 20, 2006 at 9:00 a.m. Hearing set for December 19, 2006. 12/19/06 – Final Agency Order and Order of Dismissal.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
170	09/05/06	09/07/06	Mead Serra (Committee for Wise use of Tax Dollars)	Montrose Recreation District	Alleged Campaign and Political Finance Violation of C.R.S. 1- 45-117 (A)(B), expend any public moneys from any source, or make any contributions, to urge electors to vote in favor of or against any statewide issue or local issue.	OS 2006-0022	09/14/06 – Received hearing notice. Hearing set for September 21, 2006 at 9:00 a.m. 9/26/06 – Agency Decision. ALJ determined there was no violation of 1-45-117, C.R.S. Preliminary Matter – the complaint was signed by Mr. Serra, a non-attorney, on behalf of the Committee for Wise Use of Tax Dollars. Corporations and organizations are generally required to be represented by an attorney during litigation (<i>In re Estate of Nagel</i> , 950 P.2d 693, 694 (Colo. App. 1997), although the mere filing of an administrative complaint by an organization does not necessarily require an attorney. The OAC accepted the complaint but advises the Committee in the Notice of Hearing that it needed an attorney to represent it at the hearing. Mr. Serra asked to amend the complaint substituting his person for the Committee as complainant. The request was granted and the case caption amended. Mr. Serra alleges that the District expended public moneys on flyers and phone calls to urge voters to vote in favor of funding a new recreation center. The flyer did not expressly advocate voters to vote for the recreation center, it merely alluded to the need for voter approval. The source of the funding was unclear and Mr. Serra offered no proof that actual public moneys were used for the flyers and phone calls.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
171	09/12/06	09/14/06	Norman L. Brown	City of Littleton, Mayor Jim Taylor	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-117 (A)(B), expend any public moneys from any source, or make any contributions, to urge electors to vote in favor of or against any statewide issue or local issue.	OS 2006-0023	<p>09/25/2006 – Received hearing notice. Hearing set for September 28, 2006 at 09:00 a.m.</p> <p>10/6/2006 – Agency Decision. ALJ determined that the City of Littleton was in violation of the Fair Campaign Practices Act (FCPA), § 1-45-117(1)(a)(I)(A), C.R.S. Upon a proposal by a City Council Member, City Council staff prepared a letter from Mayor Taylor and literature in opposition to Amendment 38 provided by the Colorado Municipal League (CML) which was then sent to 99 Littleton board and commission members at a cost of \$157.85.</p> <p>§ 1-45-117(1)(a)(I)(A) bars government entities from expending public money to urge electors to vote a certain way on a state-wide ballot issue except where the official has policy-making responsibilities and may spend \$50 “incidental to expressing his or her opinion.” The statute is comprised of a four-part test: 1. a government agency or political subdivision; 2. expending any public moneys from any source; 3. to urge electors to vote in favor of or against any; 4. state-wide ballot issue that has been submitted for the purpose of having or has had a title designated or fixed. The City of Littleton has met all four elements limiting it to expenditures of no more than \$50 of public moneys.</p> <p>The anti-Amendment 38 literature forwarded to the Littleton board and commission members by Mayor Taylor urged those members to vote against Amendment 38 and to take an active role among their friends and neighbors in opposing Amendment 38. As such, it violated § 1-45-117(1)(a)(I)(A) of the FCPA because more than \$50 in public money was spent to copy and distribute the materials. The ALJ imposed a fine of \$500 against the City of Littleton.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
172	09/18/06	09/19/06	Aaron Fink	Trailhead Group, LLC, Colorado Leadership Fund, LLC Senate Majority Fund, LLC	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-108, failure to report contributions and expenditures.	OS 2006-0025 Court of Appeals No. 06 CA 2651	11/15/2006 – Final Agency Order and Order of Dismissal. Upon Motion to Dismiss Claims Against Respondent Senate Majority Fund, LLC, filed by Complainant on 11/13/06, the complaint is dismissed. 1/24/2008 – Court of Appeals decision without published decision. Order reversed and case remanded with directions. 4/25/2008 – Order Granting Stipulated Motion for Entry of Judgment for Fees and Costs and Dismissal of Remaining Claims. Judgment entered by ALJ for fees and costs, and upon remand from Court of Appeals, Complainant's counsel shall pay \$16,417.24 to Respondent Senate Majority Fund on or before May 15, 2008. All remaining claims are dismissed.
173	9/19/06	9/20/06	Arnold Salazar	Alamosa County	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-117, using public funds to make a contribution to a candidate by utilizing county's fax machine to distribute a campaign flyer.	OS 2006-0024	09/27/2006 – Received hearing notice. Hearing set for October 4, 2006 at 9:00 a.m. 10/03/2006 – Agency Order. Order granting Joint Motion to Dismiss with Prejudice.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
174	09/21/06	09/25/06	Aaron Fink	Trailhead Group, LLC	Alleged Campaign and Political Finance Violations of Article XXVIII, Section 3 and C.R.S. 1-45-108, failure to register as a political committee; exceeding contribution limits.	OS 2006-0026	<p>10/02/2006 – Received hearing notice. Hearing set for October 10, 2006 at 9:00 a.m. (Later rescheduled for December 5 and 6, 2006.)</p> <p>11/29/2006 – Order Granting Respondent's Motion for Summary Judgment and Agency Decision. ALJ grants Trailhead's motion for summary judgment and vacates the hearing previously set for December 5 and 6.</p> <p>Complainant alleged that Respondent made contributions in excess of \$200 to several political committees through the use of shared "information, analysis, or strategies" acquired through the use of the same commercial consulting services. Respondent provided affidavits from executives of the consulting groups attesting that their companies did not share or coordinate any of their work product among their clients.</p> <p>Respondent meets the requirements of C.R.C.P. 56(e), and Complainant filed no affidavits, depositions, or other documents contradicting the content of Respondents affidavits. The un rebutted affidavits establish the absence of a genuine issue of material fact, and therefore summary judgment is appropriate pursuant to C.R.C.P. 56. Complainant's C.R.C.P. 56(f) request for additional time to conduct discovery is not supported and therefore Respondent's motion for summary judgment is granted.</p>
175	09/27/06	09/29/06	Colorado Citizens for Ethics in Government	Colorado Leadership Fund, LLC, Colorado Leadership Fund Political Action Committee	Alleged Campaign and Political Finance Violations of Article XXVIII, Section 2 (12), and of Article XXVIII, Section 3(5), failure to register as a political committee; exceeding contribution limits.	OS 2006-0027	<p>10/05/2006 – Received hearing notice. Hearing set for October 13, 2006 at 9:00 a.m.</p> <p>10/20/2006 – Agency Order. Order of dismissal with prejudice.</p>
176	10/05/06	10/09/06	Sharon Johnson	Committee to Elect Jeanne Labuda, LT Environmental, P.C., United Design Studio, P.C.	Alleged Campaign and Political Finance Violations of Article XXVIII, Section 3(4) - unlawful contribution from corporations to candidate.	OS 2006-0028	<p>10/13/2006 – Received hearing notice. Hearing set for October 24, 2006 at 8:30 a.m.</p> <p>10/24/06 – Order Granting Motion to Dismiss and Providing for Briefing Schedule for Motion for Attorney Fees</p> <p>12/4/2006 – Unopposed Stipulation for Dismissal with Prejudice</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
177	10-09-06	10-10-06	Michele Austin	Coloradans for Excellent Schools	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-117, expending public moneys to urge electors to vote in favor of or against a ballot issue.	OS 2006-0029	10/18/2006 -- Received hearing notice. Hearing set for October 26, 2006 at 9:00 a.m. Hearing is set for December 14, 2006. 11/30/2006 – Final Agency Decision and Order of dismissal. Upon Complainant's advisement that she has withdrawn her complaint and does not wish to proceed to hearing, the complaint is dismissed and the hearing is vacated.
178	10/16/06	10/18/06	Sean Castle	Dreher for HD 43	Alleged Campaign and Political Finance Violation of C.R.S. 1- 45-108 (II), failure to report employer and occupation for numerous contributions	OS 2006-0031	10/25/2006 -- Received hearing notice. Hearing set for November 02, 2006 at 9:00 a.m. (subsequently rescheduled for January 3, 2007). 12/19/2006 – Final Agency Decision and Order of Dismissal. Upon Complainant's advisement that he does not wish to pursue his complaint, the complaint is dismissed.
179	10/17/06	10/18/06	Colorado Democratic Party	Committee to Elect Beverly Scanga	Alleged Campaign and Political Finance Violations of Article XXVIII, Section 3(10) – a candidate committee shall not accept a contribution or make an expenditure exceeding \$100.00 in currency or coins.	OS 2006-0030 Court of Appeals No. 07CA650	2/14/2007 – Final Agency Decision and Order Denying Respondent's Motion for Summary Judgment and Granting Complainant's Cross Motion for Summary Judgment. The committee's acceptance of \$2,735 in currency from Ms. Scanga violated Article XXVIII, section 3(10). The interpretation by Respondent that Secretary of State Rule 4.6(a) excuses the committee from compliance with Article XXVIII, section 3(10) is an incorrect interpretation. Rule 4.6(a) only excuses a candidate from contribution limits, not the manner in which contributions may be made. However, the violation merely resulted from a misinterpretation of the rule, and there was no indication that either Ms. Scanga or the committee intended to evade the law since all money was disclosed. The ALJ imposed a penalty of \$50 for each non-compliant violation for a total of \$250. 6/26/07 – Stipulated Motion to Dismiss filed by parties under C.A.R. 42(b).
180	10/23/06	10/24/06	Sallie Bolich	Primavera for House District 33	Alleged Campaign and Political Finance Violation of C.R.S. 1- 45-108 (2.5), failure to file a Notice of Major contributor form for contributions over \$1000, 30 days proceeding the General election.	OS 2006-0032	11/2/2006 — Received hearing notice. Hearing set for November 9, 2006 at 9:00 a.m. 11/21/2006 – Final Agency Order and Order of Dismissal for Failure to Appear. Complainant failed to appear at the hearing following a Notice of Hearing sent to Complainant at the address she gave in her complaint. Therefore, Complainant has abandoned her complaint, and the complaint is dismissed.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
181	11/02/06	11/06/06	Carl Ruch	Raymond Neal Pocock, Ernest J. Bergamo, Andrew Morris, Kenneth Tribbey	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-108 & 1-45-109, failure to report contributions and expenditures.	OS 2006-0035	Hearing is set for November 21, 2006 at 1:30 p.m. 12/13/2006 – Order Granting Respondents' Motion for Dismissal and Agency Decision. Respondents acceptance of a flyer constituted a contribution, however the fair market value could not be determined. Without knowing whether or not the \$20 threshold was reached, no reporting was required by the committee.
182	11/02/06	11/06/06	Carl Ruch	Jim Matchett, Tony Lucas, Gary Peterson	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-108 & 1-45-109, failure to report contributions and expenditures.	OS 2006-0033	Hearing is set for November 21, 2006 at 9:00 a.m. 12/6/2006 – Agency Decision. The ALJ determined that the Respondents qualified as a political committee on April 27, a candidate committee on April 27, and partaking in electioneering communications on April 27, however Article XXVIII, Section 9(2)(a) requires that a written complaint be filed with the Secretary of State no later than one hundred eighty (180) days after the date of the alleged violation. The complaint was filed on November 2 whereby making May 6 the 180 th day prior. The only violations which occurred after May 6 were Respondents failure to file their final reports of contributions and expenditures on June 1. The ALJ determined that the Respondent committee and the candidates did not comply with the requirement to file their final reports of contributions and expenditures on June 1. Each candidate Respondent was assessed a fine in the amount of \$50 as was the Respondent committee.
183	11/02/06	11/06/06	Carl Ruch	Jim Matchett, June Matchett, Tony Lucas, Gary Peterson, Trisha, Peterson, John Aitken, Nancy Aitken, Judy LaCrosse	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-108 & 1-45-109, failure to report contributions and expenditures.	OS 2006-0034	Hearing is set for November 21, 2006 at 9:00 a.m. 12/06/2006 – Agency Decision. Issued in conjunction with OS 2006-0033.
184	11/08/06	11/09/06	James Hibbard	David Shaklee, Committee to Elect David A. Shaklee Adams County Coroner	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-108, failure to report contributions and expenditures.	OS 2006-0036	11/27/2006 – Received hearing notice. Hearing set for November 28, 2006 at 9:00 a.m. 12/1/2006 – Complaint withdrawn by Complainant.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
185	01/08/07	01/11/07	Jan Tyler	Councilwoman Carol Boigon	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-117, expending public moneys to publish a newsletter urging electors to vote in favor of a ballot issue.	OS 2007-0001	1/26/07 – Hearing 2/9/2007 – Agency Decision. Complainant failed to establish a violation by a preponderance of the evidence. Therefore, the complaint is dismissed. Allegations in the complaint that the Respondent's newsletter contained “false claims” is beyond the jurisdiction of the ALJ and therefore not addressed in the Agency Decision.
186	02/13/07	02/15/07	C.A. MacMillan	Wesley McKinley for State Representative Dist.64	Alleged Campaign and Political Finance Violation of C.R.S. 1- 45-108, failure to file report of contributions and expenditures.	OS 2007-0002	03/30/07 – Agency Decision. Respondent committee violated § 1-45-108(2)(a)(I)(E), C.R.S., by failing to file the report of contributions and expenditures within thirty days of the November 2006 General Election. Colo. Const. art. XXVIII, § 10(2)(b)(I) imposes a \$50 per day sanction for failure to file. The ALJ determined that absent a showing of extenuating or extraordinary circumstances that prevented the timely filing of the final report of contributions and expenditures, that the committee should be fined the full \$4,000 (80 days at \$50 per day).

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
187	02/23/07	02/23/07	Colorado Citizens for Ethics in Government	Northern Colorado Victory Fund and Committee For the American Dream.	Alleged Campaign and Political Finance Violation of C.R.S. 1- 45-108 and Article XXVIII, Section 6, failure to file Electioneering Communication Reports and disclosure reports.	OS 2007-0003 Court of Appeals No. 07CA1176	<p>04-18-07 – Agency Decision and Amended Order of Dismissal of Northern Colorado Victory Fund (NCVF). Order of 3/30/07 amended to reflect dismissal of NCVF only. ALJ concludes that Committee for the American Dream (CAD) violated electioneering communication reporting requirements of XXVIII, Sec. 6(1) and FCPA sec. 1-45-108 (1)(a)(III) by failing to file separate electioneering communication reports and failing to identify by name the candidate targeted for a period of 95 days, and imposes a penalty of \$1,000.</p> <p>05-18-07 – Order Granting Committee For the American Dream's Request for Attorneys Fees and Denying Colorado Citizens for Ethics in Government's Request for Attorneys Fees. CAD is entitled to attorney fees (\$2,722.44) under 1-45-111.5 (2), because CCEG's second claim for relief had no evidentiary basis to support it, and it was therefore groundless.</p> <p>05-22-07 – Order Denying Motion to Amend Judgment. ALJ denies CCEG's motion to amend the judgment to include an order that CAD file the missing reports. ALJ declines to exercise its discretion to amend a judgment because CCEG is not seeking to correct an erroneous judgment in accordance with C.R.C.P. 59, but merely an order restating CAD's existing legal obligation.</p> <p>05-29-08 – Court Appeals: Judgment and order affirmed. The Secretary of State's recent adoption of Rule 9.5.1, which provides that a political committee need not file a separate electioneering report if the electioneering expenditure is reported in its regular disclosure report, does not render this case moot. The "regular course and scope of business" exception to the definition of electioneering communication in Sec. 2(7)(b)(III) is limited to persons whose business is to broadcast, print, display, or distribute candidate-specific communications within the named candidate's district as a service, rather than to influence elections. Rule 9.3, requiring an electioneering report to identify the candidate referred to in the communication, was within the Secretary's rulemaking authority, and the ALJ had jurisdiction to impose a penalty for violation of the rule. Section 13-17-102(5), even as amended in 2008, was not a defense to an award of attorney fees under 1-45-111.5(2). ALJ did not err in awarding attorney fees against CCEG for filing a groundless claim.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
188	03/07/07	03/08/07	Michael Black & Jerry Swingle	Sydney Zink & City Span 10	Alleged Campaign and Political Finance Violation of C.R.S. 1-45-117, by using public funds and equipment to encourage voters to vote for a candidate.	OS 2007-0004	03/19/2007 – Received hearing notice. Hearing set for March 22, 2007 at 8:30 a.m. 03/26/2007 — Received Agency Decision dismissing Complaint and vacating the hearing based on the Motion to Dismiss filed by Complainants on March 20, 2007.
189	04/03/07	04/05/07	Richard Child	Town of Mountain Village	Alleged Campaign and Political Finance Violations of C.R.S. 1-45-117, by using public funds to distribute a letter supporting a position on a ballot issue	OS 2007-0005	04/12/2007 — Received hearing notice. Hearing set for April 18, 2007 at 9:00 a.m. 05/16/2007 – Final Agency Order and Order of Dismissal. Case dismissed based upon parties' Stipulated Dismissal.
190	05/03/07	05/08/07	Joe Peters	FairVote Colorado, Colorado Common Cause, Common Cause, the Bighorn Center for Public Policy & Citizens for Colorado	Alleged Campaign and Political Finance Violations of C.R.S. 1-45-108 and XXVIII Section 6(2) by failing to report electioneering communications and receiving prohibited corporate contributions	OS 2007-0006	6/28/07 – Final Agency Order and Order of Dismissal. Matter dismissed with prejudice upon the Unopposed Motion to Dismiss filed by the parties.
191	06/04/07	06/07/07	Isaac J. Holland, Town Administrator and Clerk, Town of Orchard City	Erma J. Verdahl, Jack Chaffee, and Robert Denton	Alleged Campaign and Political Finance Violations of C.R.S. 1-45-108 and 1-45-109, failure to register and report contributions and expenditures as an issue committee, relating to recall election for Mayor of Town of Orchard.	OS 2007-0007	9/17/07 – Agency Decision. Complaint dismissed. Complainant failed to prove by preponderance of the evidence that Respondents violated the FCPA. Respondents' request that Complainant pay their attorney fees and costs is denied.
192	06/05/07	06/08/07	Amie Mayhew	Committee to Elect Alice Borodkin and Alice Borodkin	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0008	8/14/07 – Order of Consolidation of Case Nos OS 2007-0008; OS 2007-0009; OS 2007-0010; OS 2007-0011; OS 2007-0012; OS 2007-0014; and OS 2007-0015 to OS 2007-0008. 8/26/07 – Order for Stay of Proceedings 3/24/09 – Final Agency Order and Order of Dismissal. Case dismissed with prejudice based upon parties' Stipulated Dismissal.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
193	06/05/07	06/08/07	Amie Mayhew	Committee to Elect Morgan Carroll and Morgan Carroll	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0009	8/14/07 – Order of Consolidation of Case Nos OS 2007-0008; OS 2007-0009; OS 2007-0010; OS 2007-0011; OS 2007-0012; OS 2007-0014; and OS 2007-0015 to OS 2007-0008. 3/24/09 – Final Agency Order and Order of Dismissal. Case dismissed with prejudice based upon parties' Stipulated Dismissal.
194	06/05/07	06/08/07	Amie Mayhew	People for John Kefalas and John Kefalas	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0010	8/14/07 – Order of Consolidation of Case Nos OS 2007-0008; OS 2007-0009; OS 2007-0010; OS 2007-0011; OS 2007-0012; OS 2007-0014; and OS 2007-0015 to OS 2007-0008. 3/24/09 – Final Agency Order and Order of Dismissal. Case dismissed with prejudice based upon parties' Stipulated Dismissal.
195	06/05/07	06/08/07	Amie Mayhew	Kennedy for Treasurer and Cary Kennedy	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0011	8/14/07 – Order of Consolidation of Case Nos OS 2007-0008; OS 2007-0009; OS 2007-0010; OS 2007-0011; OS 2007-0012; OS 2007-0014; and OS 2007-0015 to OS 2007-0008. 3/24/09 – Final Agency Order and Order of Dismissal. Case dismissed with prejudice based upon parties' Stipulated Dismissal.
196	06/05/07	06/08/07	Amie Mayhew	Riesberg in 50 Committee and Jim Riesberg	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0012	8/14/07 – Order of Consolidation of Case Nos OS 2007-0008; OS 2007-0009; OS 2007-0010; OS 2007-0011; OS 2007-0012; OS 2007-0014; and OS 2007-0015 to OS 2007-0008. 3/24/09 – Final Agency Order and Order of Dismissal. Case dismissed with prejudice based upon parties' Stipulated Dismissal.
197	06/05/07	06/08/07	Amie Mayhew	Committee to Elect Debbie Stafford and Debbie Stafford	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0013	12/14/07 – Order of Consolidation of Case No OS 2007-0013 to OS 2007-0008.
198	06/05/07	06/08/07	Amie Mayhew	Colorado Comeback	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0014	8/14/07 – Order of Consolidation of Case Nos OS 2007-0008; OS 2007-0009; OS 2007-0010; OS 2007-0011; OS 2007-0012; OS 2007-0014; and OS 2007-0015 to OS 2007-0008. 3/24/09 – Final Agency Order and Order of Dismissal. Case dismissed with prejudice based upon parties' Stipulated Dismissal.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
199	06/05/07	06/08/07	Amie Mayhew	House Majority Project	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report Electioneering Communications.	OS 2007-0015	8/14/07 – Order of Consolidation of Case Nos OS 2007-0008; OS 2007-0009; OS 2007-0010; OS 2007-0011; OS 2007-0012; OS 2007-0014; and OS 2007-0015 to OS 2007-0008. 3/24/09 – Final Agency Order and Order of Dismissal. Case dismissed with prejudice based upon parties’ Stipulated Dismissal.
200	6/26/07	7/3/07	David Hustvedt	Friends of Alice Madden	Alleged Campaign and Political Finance violations of C.R.S. 1-45-106, expenditure of candidate committee contributions for personal purposes.	OS 2007-0017	8/8/07 – Agency Decision Dismissing Complaint. Complaint alleged that Friends spent \$95 of unexpended campaign contributions to pay attorney registration fees in violation of 1-45-106(1)(a)(II), which prohibits the use of unexpended campaign contributions for “personal purposes not reasonably related to supporting the election of the candidate.” Art. XXVIII sec. 9(2)(a) authorizes the filing of a complaint when there is an alleged violation of any of several listed constitutional and statutory provisions. Section 1-45-106 is not included in the list, and the FCPA provides no independent mechanism for enforcement beyond that specified in § 9(2)(a) of art. XXVIII. Section 1-45-113, which previously provided its own sanctions for violation of the FCPA, was repealed by Art. XXVIII, § 12 when Art. XXVIII became effective in 2002. Although the Secretary of State arguably could establish by regulation a separate mechanism to enforce the provisions not covered by Art. XXVIII, § 9(2)(a), the Secretary has not done so. Thus, at present, no law creates a mechanism to hear and adjudicate alleged violations of § 1-45-106. Because there is no jurisdiction to consider an alleged violation of § 1-45-106, C.R.S., the complaint must be dismissed.
201	6/25/07	7/2/07	Jim Coke	Irma and William Christie, Charles Crawford, Mike Barnett, Doris Fulkerson, Mary DeGroot and Darrell Craighead	Alleged Campaign and Political Finance violations of C.R.S. 1-45-117, limitations on contributions	OS 2007-0016	8/16/07 – Order of Dismissal

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
202	10/23/07	10/26/07	Colorado Ethics Watch	Citizens for Lori Cox, Spader for Council Committee, Committee to Elect Linda Reynolds	Alleged Campaign and Political Finance violations of C.R.S. 1- 45-117, limitations on contributions; C.R.S. 1-45-108, disclosure of contributions	OS 2007-0018	1/25/08 – Joint Motion for Dismissal with Prejudice filed by the parties 1/29/08 – Agency Decision: Dismissed with Prejudice, each party to pay its own costs/fees. Setting conference scheduled for 2/8/08 is vacated.
203	10/23/07	10/26/07	Colorado Ethics Watch	Broomfield City Manager George Di Ciero and Broomfield Assistant City Manager Kevin Standbridge	Alleged Campaign and Political Finance violations of C.R.S. 1- 45-117, limitations on contributions	OS 2007-0019 Court of Appeals No. 2008 CA 255	1/16/08 – Agency Decision. Broomfield did not violate 1-45-117(1) by spending staff time to prepare responses to a questionnaire at one candidate's request, nor did it violate the FCPA by sharing the responses with incumbent candidates on its council. Although the staff work was a "thing of value" for purposes of the definition of "contribution", there was insufficient evidence to prove that the information was "for the purpose of promoting" any candidate's election. 2/6/08 – Notice of Appeal filed in Court of Appeals by Colorado Ethics Watch. 1/8/09 – Court of Appeals affirmed ALJ's order. "CEW urges an interpretation of Colorado Constitution article XXVIII, section 2(5) (a) (IV), as incorporated in the FCPA, that would prohibit a City employee from providing to a candidate for elected office anything of value that had the effect of promoting the candidate's election. Because we disagree with that interpretation, we affirm the ALJ's order."

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
204	10/30/07	11/2/07	Colorado Ethics Watch	Lakewood City Council President Cheryl Wise	Alleged Campaign and Political Finance violations of C.R.S. 1- 45-117, limitations on contributions	OS 2007-0020	<p>11/15/07 – Hearing 11/21/07 – Agency Decision: the City of Lakewood did not violate § 1-45-117 of the Fair Campaign Practices Act.</p> <p>Wise's comments did not amount to a contribution because the comments were aired as part of the routine practice of broadcasting the entirety of the Council meeting; the City of Lakewood did not disseminate the comments for the purpose of promoting a candidate's election. The evidence is insufficient to show that the City contributed anything of value to a candidate's campaign. Citing <i>Regents of Univ. of Colorado v Meyer</i>, 899 P.2d 316 (Colo. App. 1995), there is no FCPA violation here because Ms. Wise's comments resulted in "no difference in the cost" to the city; her comments involved no expenditure of public funds beyond what was already spent to air the Council meeting. Also referencing <i>Colorado Taxpayers Union, Inc., v. Romer</i>, 750 F.Supp. 1041 (D. Colo. 1990) "elected officials are free to participate in the debate of public issues, as long as" the elected official's personal efforts are "not linked to the levers of the coercive authority of the government..." As long as the official does not employ the "state machinery" to influence the election, there is not violation of the FCPA. [<i>Coffman v. Colorado Common Cause</i>, 102 P.3d 999, 1006, 1010 (Colo. 2004)]. ALJ finds that Wise did not engage in the "state machinery" to support one candidate over another because her comments were made in the same venue as the public's comments to which she was responding..</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
205	11/2/07	11/7/07	William N. Patterson	Patterson Recall Committee, Inc.	Alleged Campaign and Political Finance Violations of C.R.S. 1-45-108, failure to register and report contributions and expenditures as an issue committee, relating to recall election for Montrose County Commissioner	OS 2007-0021 Court of Appeals No. 2008 CA 0662	2/14/08 – Agency Decision. The Recall Committee became an “issue committee” when the petition was signed by at least one person, and that status has not changed simply because the issue was never place on the ballot. The Committee therefore has an ongoing duty to comply with the reporting requirements of the FCPA. The Recall Committee violated § 1-45-108(6), C.R.S., by failing to file reports of contributions and expenditures for the months of October 2007 through January 2008. The Committee violated § 1-45-108, C.R.S., by failing to disclose all its contributions and/or expenditures, namely those relating to the receipt of its legal services and petition printing costs, in its reports that were filed in July, August and September 2007. The Committee violated Art. XXVIII, § 3(9) by failing to set up a separate account at a financial institution for the receipt of contributions. The ALJ imposes a civil penalty in amount of \$9,750 (\$50 per day for 195 days July 12, 2007 - January 23, 2008) with regard the to violations of § 1-45-108, C.R.S., for failing to fully disclose all the Committee’s contributions and/or expenditures in its reports (i.e. legal services and printing costs). 4/16/09 – Colorado Court of Appeals: judgment affirmed.
206	11/9/07	11/9/07	Brooks Imperial	Elbert County Development Council, Inc.	Alleged Campaign and Political Finance violations of C.R.S. 1-45-117, limitations on contributions	OS 2007-0022	2/5/08 – Corrected Agency Decision. The evidence failed to show that ECDC violated 1-45-117. ECDC is not an entity covered by the statute, since it is neither a state agency nor a political subdivision. In addition, the evidence failed to show that the \$100 contribution in question was from ECDC. Therefore the matter must be dismissed.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
207	2/11/08	2/14/08	Jay Sherritt	Rocky Mountain Fire District	Alleged Campaign and Political Finance violations of C.R.S. 1-45-117, limitations on contributions	OS 2008-0001 Court of Appeals No. 08 CA 914	4/1/08 – Agency Decision. Citing <i>Skruch v. Highlands Ranch Metropolitan Districts Nos. 3 and 4</i> , 107 P.2d 1140 (Colo. App. 2004), ALJ finds that the letter mailed by district to voters prior to 2007 de-Brucing ballot issue in fact “urged” voters to vote for the ballot issue, in that it was an “entirely a positive description” and “contained no argument against” the issue, even though it did not expressly advocate a favorable vote. It was not a “factual summary” as described in 1-45-117(1)(b)(I) since it did not include arguments both for and against the issue. Because public funds were expended to distribute the letter, the district violated 1-45-117, which provides that violations shall be subject to sanctions authorized in 1-45-113 (but that section has been repealed) or by any appropriate order or relief. Art. XXVIII, Sec. 9(2)(a) authorizes the ALJ to conduct a hearing concerning alleged violations of various portions of the FCPA including 1-45-117 and issue any appropriate order, sanction, or relief authorized by Art. XXVIII. The ALJ imposes a fine of \$400, declining to impose a civil penalty of two to five times “the amount contributed” per Art. XXVIII, Sec. 10. 4/28/08 – Notice of Appeal filed with Court of Appeals by Jay Sherritt concerning issue of sanctions.
208	3/11/08	3/13/08	Pamela A. Shaddock	Colorado League of Taxpayers, a Domestic Nonprofit Corporation	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to report contributions and expenditures as a political committee; and, Colo. Const. art. XXVIII section 5 (1) and (2), failure to file notice of independent expenditure	OS 2008-0002	5/20/08 – Final Agency Decision and Order of Dismissal. Complainant’s Motion to Dismiss or Otherwise Withdraw Complaint and Counsel’s Motion to Withdraw is granted, and the complaint is dismissed.
209	04/08/08	04/09/08	Michael Cerbo	Colorado Right-to-Work Committee	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108, failure to register and report contributions and expenditures as an issue committee.	OS 2008-0007	10/15/08 – Agency Decision. Respondent violated 1-45-108(1)(a)(I) by failing to report all its contributions. ALJ imposes a penalty of \$50 per day per report (not per violation or unreported contribution), for a total civil penalty of \$9,750.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
210	04/11/08	04/15/08	Bradley Richards	Not Another Tax Increase (Kathy Ann Tourney was the original respondent)	Alleged Campaign and Political Finance violations for not registering a committee and an issue committee backing candidates.	OS 2008-0008	<p>5/22/08 – Motion to dismiss filed by Respondent (Tourney).</p> <p>5/23/08: Status Conference – ALJ determined that the Motion to Dismiss would be heard at the beginning of the hearing scheduled June 2, 2008.</p> <p>5/29/08 – Complainant files Motion to Amend Complain; to certify that he is not relying on the entire Article XXVIII or FCPA in the points of law section.</p> <p>6/2/08 – Hearing: Tourney's Motion to Dismiss was granted. Motion to Amend Complaint is granted. Complaint was amended to reflect Issue committee Not Another Tax Increase (NATI) as Respondent. Tourney's Motion for Attorney Fees was denied.</p> <p>6/15/08 – Agency Decision: The portion of the complaint alleging a violation of Section 1-45-108(3) of the FCPA is dismissed. Complainant relied on the definition of "expenditure" in Art. XXVII, Section (8)(a), however the statutory prohibition uses the term "contributions"; thus the definition of expenditures is not applicable. Even if the payment for website expenditures in question were deemed a contribution, Section 1-45-108(3) only prohibits issue committees from accepting or making contributions before registering. Here the payment was made after the date of registration. The ALJ finds that NATI, an issue committee, violated Rule 2.6, 8 CCR 1505-6, in that it contributed to candidate committees via payments to a third party for postcards endorsing candidates and for automated telephone calls urging voter to vote for said candidates. NATI is therefore fined \$903.39. Tourney's motion for attorney fees is denied.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
211	Original complaint filed 04/21/08; amended complaint filed 04/22/08	04/23/08	Kent Lambert	Ritter Inaugural Committee, Inc. and Bill Ritter for Governor	Alleged Campaign and Political Finance violations of Colo. Const. art XXVIII, section 3(1)(a)(I), excess contributions; Colo. Const. art XXVIII, section 3(4), illegal corporate contributions; and C.R.S. 1-45-108, failure to file reports	OS 2008-0010 Court of Appeals No. 08 CA 1784	<p>5/1/08 – Respondents’ Motions to Dismiss filed.</p> <p>5/2/08 – Order Vacating Hearing and Procedural Order: Complainant’s response to motions to dismiss due by 6/2/08, and Respondents may file reply by 6/9/08. Telephonic prehearing conference set for 7/10/08.</p> <p>7/31/08 – Order Granting Motions to Dismiss and Agency Decision. Complainant’s Amended Complaint is dismissed because all four counts for relief are time barred by § 9(2)(a) in Article XXVIII. Award of attorney fees to Respondents is warranted because complaint lacked substantial justification, and neither subsection (5) or (6) in § 13-17-102 applies. Although the Candidate and Inaugural Committees violated several provisions of campaign finance laws, the violations occurred more than 180 days prior to the filing of the complaint. Respondents are granted 10 days to file documentation regarding their attorney fees and costs. Final order of the ALJ will be deemed to have been entered on the date of the ALJ’s ruling on attorney fees and costs.</p> <p>8/28/08 – Supplemental Agency Decision Regarding Attorney Fees and Costs. ALJ awards to Inaugural Committee \$8,581 in attorney fees and \$17 in costs, and awards to candidate committee \$9,958 in attorney fees and \$179.50 in costs.</p> <p>10/30/09 – Court of Appeals reversed the ALJ’s dismissal of Lambert’s complaint, vacated the 8/28/08 award for attorney’s fees, and remanded the case to the ALJ for consideration of the single October 2007 payment to the inaugural committee which remains in question.</p> <p>11/2/09 – Committee filed quarterly Reports of Contributions and Expenditures for the period of time October 1, 2007 through Sept. 30, 2008 in an attempt to settle the matter without having to proceed through the OAC process again. The reports filed state that they do not constitute an admission that there was a political committee when the Oct. 2007 payment was made.</p> <p>4/7/2010 – Procedural Order Upon Remand and Notice to Set from the Office of Administrative Courts. The only matter in issue is the single October 2007 contribution. Respondent offered a Stipulated Payment and filed a Request for Determination of Payment Amount and Dismissal. Complainant rejected the offer. A setting conference is scheduled for April 23, 2010 for the matter to proceed.</p> <p>4/28/2010 – Notice of Hearing, set for June 3, 2010.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
212	04/23/08	04/24/08	Carol Little	Jeri C. Howells	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108(3), failing to register a committee before accepting contributions or making expenditures; C.R.S. 1-45-108(2.5), failing to report contributions in excess of \$1,000 within twenty-four hours; C.R.S. 1-45-108(1)(a)(I), failing to report contributions and expenditures; C.R.S. 1-45-108(1)(a)(II), failing to report employer and occupation.	OS 2008-0011	6/25/08 – Complainant filed Motion to Dismiss. 6/26/08 – Agency Decision: Dismissed and setting conference scheduled for June 26, 2008 is vacated.
213	05/08/08	05/08/08	Brad Richards	Vote No 5A (Kathy Tourney was the original Respondent)	Alleged Campaign and Political Finance violations of C.R.S. 1-45-106(3), misuse of unexpended campaign funds.	OS 2008-0014	5/23/08 – Tourney files Motion to Dismiss 5/29/08 – Richards files Motion to Amend Complaint to substitute VOTE NO 5A for Tourney as Respondent. 6/2/08 – Hearing; continued for the submission of post-hearing briefs (submitted 6/16/08) 6/24/08 – Agency Decision: complaint dismissed. [Tourney's Motion to Dismiss was granted. Richards' Motion to Amend Complaint was granted]. On 12/6/07, the end of the election cycle (30 days after the election), VOTE NO 5A had a zero balance, meaning the issue committee had no unexpended funds subject to the provisions of § 1-45-106(3). The issue committee was not required to dispose of the funds pursuant to 1-45-106(3) that were contributed 11 days after the end of the election cycle. [At hearing, complainant contends that differences between issue committees and candidate committees warrant using a different date for the determination of whether there is a balance of unexpended funds. Specifically, complainant urges that for issue committees the date of the election is the appropriate date, stating that the mission of the issue committee expires on the date of election. The ALJ has not adopted this approach].

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
214	05/19/08	05/20/08	Paul G. Gesso	Kathy Tourney	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108 (2), failure to file reports timely; C.R.S. 1-45-109 (1), failure to report expenditures; Colorado Constitution Article XXVIII, (8)(a), failure to report expenditure when contract was made; Colorado Constitution Article XXVIII, Section 9, failure to establish separate bank accounts for issue committee and candidate committee.		
215	06/11/08	06/12/08	Michael Cerbo	Protect Colorado Jobs, Inc. ("PCJ")	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108 for failure to register as an issue committee or as a multipurpose issue committee; failure to report all required information relating to the contributions it received in support of initiatives and failure to report all required information relating to the expenditures it made in support of initiatives.	OS 2008-0017	<p>12/12/08 – Hearing. ALJ granted an Unopposed Motion to Use Deposition and Hearing Transcripts in Lieu of Witness Testimony for the hearing. The parties stipulated to the following: as of 12/12/08, PCJ had not registered as an issue committee with the Secretary or filed any reports of contributions and/or expenditures. The record remained open for submission of written closing arguments. The record was closed on 1/21/09.</p> <p>2/4/09 – ALJ Decision: The complaint is dismissed. The Complainant has failed to establish by a preponderance of the evidence that PCJ was an issue committee. The record before the ALJ is insufficient to establish that PCJ had a major purpose of supporting Initiative #41. PCJ was formed before the right-to-work initiative became a ballot issue; it was established for purposes other than to support the initiative and it was involved in business-related activities in the state other than just the initiative.</p> <p>3/19/09 – Notice of Appeal filed in Court of Appeals by Complainant-Appellant; Michael Cerbo.</p> <p>3/26/09 – Designation of Record on Appeal was filed. Case number: <u>09CA0587</u></p>
216	06/10/08	06/16/08	Randy Milhoan	Peter Runyon	Alleged Campaign and Political Finance violations of using taxpayer money to support re-election effort.		

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
217	06/26/08	06/27/08	Colorado Ethics Watch	Committee to Elect Dr. Jim Geddes for CU Regent	Alleged Campaign and Political Finance violations of C.R.S. 1- 45-108 (2)(a)(I)(C) for failure to file contribution and expenditure reports on the first business day of each month beginning the sixth full month before the major election.	OS 2008-0020	<p>8/6/08 – Parties filed a Motion to Vacate Hearing and Enter Stipulated Order. Parties stipulate that the Committee is liable for \$4,000 in fines upon the claims asserted in CEWs complaint. Parties request the ALJ to enter an Order imposing the fine.</p> <p>8/6/08 – ALJ Decision: Motion granted and hearing vacated. The ALJ finds that the Committee violated § 1-45-108(2)(a)(I)(C), CRS and imposes a fine of \$4,000 upon the Committee as provided by Colo. Const. art. XXVIII, §§ 9(2)(a) and 10(2)(a).</p>
218	07/17/08	07/18/08	Douglas Bruce	The Schuck Corporation, Stephen M. Schuck, Mark Waller, and “Committee to Elect Mark Waller” Candidate Committee	Alleged Campaign and Political Finance violations of Article XXVIII, Section 3 (4) for failure to report in kind contributions from a corporation.	OS 2008-0022	<p>9/2/08 – Agency Decision: The Schuck Corp. made an illegal corporate contribution in violation of Colo. Const. art. XXVIII, § 3(4) by contributing the value of printing and mailing the fund raising letter in support of Waller’s campaign. A penalty of \$528.40 is imposed against Schuck Corp., two times the value of the contribution. Under the circumstances, no penalty should be assessed against Waller for accepting the illegal contribution. Although Waller committee later reimbursed the Schuck Corp. and reported the reimbursement as a campaign expense, the committee violated Colo. Const. Art. XXVIII, § 7 and § 1-45-108, C.R.S., by failing to report the original contribution in its required reports. A penalty of \$2,450 is jointly imposed against Mr. Waller and his candidate committee, based on \$50 per day for 49 days from the due date of the report to the date of the hearing.</p> <p>10/16/08: Order Denying in Part and Granting in Part Respondents’ Motion for Reconsideration and Modification of Agency Decision. The penalty of \$2,450 jointly imposed against Mr. Waller and the Waller candidate committee is reduced to \$500, based on the date the report was due rather than the date of the hearing, consistent with the ALJ’s decision in OS 2006-0004. Pursuant to section 24-4-105 (16)(b), C.R.S., the effective date of the Agency Decision (as amended) is changed to 10/16/08. All other aspects of the agency decision remain unchanged.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
219	07/21/08	07/22/08	William Furse	David Duncan and "Committee to Elect David Duncan DA" Candidate Committee	Alleged Campaign and Political Finance violations of Article XXVIII, Section 7 for failure to report expenditures, contributions, and a timely registration of a candidate committee.	OS 2008-0024	<p>8/1/08: Hearing & Agency Decision. Matter dismissed; Motion for Costs is denied, and Motion to Refile Original Complaint is denied.</p> <p>Summary: Defendant appeared at the OAC however Complainant was absent. The ALJ dismissed the complaint but did not issue a final decision at that time because the Defendant asked to submit a Motion for Costs. On 8/19/08 Complainant submitted a Response to Defendant's Motion for Cost and explained that he left on July 29, 2008 for a two-week vacation and did not receive the notice of hearing. Defendant's motion relies on the authority at section 13-17-101, CRS, et seq. and sections 13-16-105, 107, 113 and 122, CRS. However, the applicable statute is section 1-45-111.5(2) CRS. Here the state of the record is insufficient to find that the action in this case "lacked substantial justification...was interposed for delay or harassment or...that an attorney or party unnecessarily expanded the proceeding by other improper conduct..." Pursuant to section 1-45-111.5(2) such a finding is necessary to impose costs and thus the ALJ denies Defendant's Motion. Complainant's Motion to Refile Original Complaint asks the ALJ to refile the original complaint against the Defendant. Complaint in this matter was dismissed 8/1/08 and it is the responsibility of the Complainant to file any new complaint with the SOS in accordance with article XXVIII, Section 9(2)(a).</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
220	7/30/08	7/31/08	Lennard Simpson	Colorado League of Taxpayers and Cheri Jones	Alleged violations of the FCPA of Article XXVIII, Section 5, failure to deliver notice of independent expenditure and also failure to report that the flyer sent was not authorized by any candidate.	OS 2008-0019 (Related case OS 2008-0026)	<p>8/13/08: Hearing</p> <p>8/18/08: Status conference. League requests additional documents to be admitted into evidence.</p> <p>8/21/08: Complainant's counsel filed a response to the League's request indicating she had no objection to their admission.</p> <p>8/28/08: Agency Decision. Simpson's complaint is dismissed. ALJ concludes that the flyer in question did not constitute express advocacy to vote against Mike Freeman, and thus the League's payment for the flyer did not constitute an independent expenditure covered by the disclosure requirements of FCPA of Article XXVIII, Sections 5(1) and (2). Furthermore, the payment in question is expressly excluded from the coverage of sections (1) and (2) by virtue of Article XXVIII, Sections 5(4).</p>
221	07/31/08	07/31/08	Colorado Ethics Watch	Senate Majority Fund, LLC	Alleged Campaign and Political Finance violations of C.R.S. 1-45-108.5 (1)(b) for failure to report spending in excess of \$20.00 in any one reporting period.	OS 2008-0025	<p>10/7/08: Agency Decision. Defendant Senate Majority Fund, L.L.C. failed to report spending on television advertisements as required by Section 1-45-108(2)(a)(I), C.R.S. The Senate Majority Fund, L.L.C. is hereby fined \$1,000. The fine shall be deposited in the Department of State cash fund created in Section 24-21-104(3), C.R.S.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
222	08/05/08	08/07/08	Lennard Simpson	Colorado League of Taxpayers and Cheri Jones	Alleged Campaign and Political Finance violations of Article XXVIII, Section 6(2) for failure to register as a political committee; violation of Article XXVIII, Section 6(1) for failure to report an electioneering communication.	OS 2008-0026 (Related case OS 2008-0019)	9/19/08: Agency Decision. The League violated XXVIII, Sec. 6(1), as charged in the complaint, for failure to file an electioneering report in connection with the flyer at issue. Applying CPF Rule 9.4, the flyer constituted an electioneering communication because it is susceptible to no reasonable interpretation other than as an appeal to vote against a specific candidate. Since the League is a corporation and there was essentially no evidence that it falls within the "MCFL exemption" of CPF Rule 4.12, the electioneering communication also violated Sec. 6(2). The flyer did not constitute express advocacy (which, under <i>Buckley</i> requires the elements (a) exhortation to take specific action and (b) identification of specific candidates), the evidence failed to establish that the League was a political committee or that it was required to file reports as a political committee. The League is ordered to pay a civil penalty of \$450 for the violation of 6(1) and a civil penalty of \$200 for the violation of 6(2). Under sections 1-45-111.5(2) and 13-17-102(6), an award of attorney fees is not warranted, especially since "the issues in this proceeding involved an area of law that is exceedingly complex and in a state of flux"..
223	09/05/08	09/08/08	John Erhardt	Colorado for Equal Rights	Alleged Campaign and Political Finance violations of Article XXVIII, Section 7 and C.R.S. 1-45-108 (1)(a)(I) for failure to itemize contributions of over \$20.	OS 2008-0027	10/16/08: Agency Decision – The Committee violated the reporting requirements of Colo. Const. art. XXVIII, section 7 and C.R.S. 1-45-108 by filing late reports of expenditures on three occasions, and violated section 1-45-108 and SOS Rule 3.9 (b) by accepting two anonymous donations of more than \$20 rather than forward those donations to a charitable organization or State Treasurer within 30 days. A penalty of \$150 is imposed against the Committee. The Committee shall remit the penalty to the SOS within 30 days of the issuance of this decision.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
224	09/10/08	09/12/08	Colorado Ethics Watch	Senate Majority Fund LLC and Colorado Leadership Fund LLC	Alleged Campaign and Political Finance violations of C.R.S. 1- 45-108 (3) for failure to register as political committees; Article XXVIII, Section 3 (5) for accepting contributions in excess of \$500 per house of representatives election cycle; and of Article XXVIII, Section 5 for failure to file independent expenditure reports for expenditures in excess of one- thousand dollars.	OS 2008-0028	<p>10/10/08: Stipulation and Joint Motion for Briefing Schedule filed by parties.</p> <p>10/14/08: Agency Decision – The Stipulation and Joint Motion for Briefing Schedule is granted. Respondents shall file their motions to dismiss no later than 10/31/08. Complainant shall file its response(s) to the motions no later than 11/14/08. Respondents may file replies in support of their motions no later than 11/21/08.</p> <p>11/26/08: Agency Decision – Complaint against SMF and CLF is dismissed. The campaign ads did not contain words and phrases of express advocacy. The ALJ cannot agree with CEW that the term “expressly advocating,” as used in Article XXVIII’s definition of expenditure has been modified <i>sub silentio</i> by <u>McConnell</u> and <u>Wisconsin Right To Life</u>. The ad’s use of the words, “Local leaders endorse Dave Kerber” does not constitute express advocacy. Therefore the ads were not expenditures sufficient to render SMF and CLF subject to regulation as political committees.</p> <p>1/7/09: SMF’s motion for attorney fees is denied. Though CEW’s arguments were not successful, they were not without merit. Meritorious actions that prove and good faith attempts to extend, modify, or reverse existing law are not frivolous. [<i>City of Aurora ex rel. Utility Enterprise v. Colo. State Engineer</i>, 105 P.3d 595, 620 (Colo. 2005)]. A complaint that is not frivolous or groundless does not become vexatious simply because the complainant is politically motivated.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
225	09/17/08	09/18/08	Nancy C. Johnson	Committee to Elect Faye Griffin County Commissioner District 1	Alleged Campaign and Political Finance violation of Article XXVIII, Section 7 for failure to disclose employer and occupation for contributions of \$100 or more and of SOS rule 4.9.2 for failure to return the contribution if the employer and occupation were not gathered within 30 days after receipt of the contribution.	OS 2008-0029 Court of Appeals No. 08CA2711	<p>9/30/08: Order Vacating Hearing and Notice to Set.</p> <p>11/6/08: Hearing</p> <p>11/17/08: Agency Decision – All the defendants fit the definition of “candidate committee” and are all in violation of Section 1-45-108(1)(a)(II), Colo. Const. art. XXVIII, sec. 7 and Rule 4.9.2 because the contributions were at \$100 or above, did not contain the occupation and employer information and were not returned in 31 days. The ALJ concludes that the penalty provisions at Colo. Const. art. XXVIII, sec. 10(2) are applicable. This produces a possible fine of \$1,550, however, considering that it was only the occupation or employer that was left off the report, the ALJ determines that \$500 is the appropriate fine. The ALJ declines to order to return of the contributions per Rule 4.9.2.</p> <p>11/25/09: Court of Appeals decision affirming ALJ. The Court states that, even where there is no good cause shown for a delay, there is no absolute constitutional right to an ALJ hearing within 45 days of referral of a complaint from the SOS. Rather, the 45-day time period (15 days plus 30 if an extension is granted) for holding a hearing is more of a guideline for administrative procedure. Therefore, the ALJ did not abuse his discretion in holding the hearing beyond the 45-day window. Failure to report occupation and employer n of contributors giving more than \$100 is a violation of Section 7, Art. XXVIII, Colo. Constitution and 1-45-108, C.R.S. It is not a violation of contribution and expenditure limits under Sections 3 and 4. Therefore, penalties under Section 10(2)(a) are applicable, and those under 10(1) are inappropriate. The ALJ did not err in imposing fines under Section 10(2)(a) for respondent’s failure to report occupation and employer for the 11 contributions over \$100.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
226	09/23/08	09/24/08	Douglas Bruce	School District 11; (dismissed individual defendants: Tami Hasling, Tom Strand, John Gudvangen, Janet Tanner, Sandra Mann, Bob Null and Charlie Bobbitt, as members of the school board; and Does I-V)	Alleged Campaign and Political Finance violation of 1-45-117, C.R.S., for using public funds to promote a ballot issue.	OS 2008-0030	<p>10/8/08: Order Vacating Hearing and Notice to Set.</p> <p>10/29/08: Order granting individual defendants' Motion to Dismiss. The court states that recent amendments made by HB 08-1041 to the sanctions provision, section 1-45-117 (4), suggests that individuals may now be held personally liable to reimburse a public entity for amounts those individuals caused the entity to contribute or expend in violation of the statute, however, in the absence of any response by Complainant, the individual defendants' motion to be dismissed will be granted.</p> <p>12/17/08: Agency Decision: School District 11 violated section 1-45-117(1)(a)(I)(B), C.R.S., by expending public money to prepare and distribute advertising that, in part, urged voters to support a pending local ballot issue. Relying on <i>Skruch v. Highlands Ranch Metro. Dists. Nos. 3&4</i>, 107 P.3d 1140 (Colo. App. 2004), the ALJ found that, while the flyer did not contain words of "express advocacy", by including a favorable one-sided reference to the Mill Levy Override (MLO) ballot issue while decrying a shortage of funds to accomplish the District's goals, the flyer had the effect of urging electors to support the MLO. The ALJ finds that the violation of section 1-45-117(1) was not willful and therefore imposes a civil penalty of \$1,000 to be paid to the SOS.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
227	09/29/08	09/29/08	Debbie Rose	John B. Cordova, Sr., Positive People for Commissioner Cordova, Building Pueblo's Future [dismissed: Lynn Pigott, Sylvia O Fransua]	Alleged Campaign and Political Finance violations of Article XXVIII, Section 3 (4) for accepting corporate contributions; 1-45-108 C.R.S., for failure to properly disclose contributions; Article XXVIII, Section 3 (5) for violating contribution limits; and Article XXVIII, section (2)(5)(a)(II) for arranging to accept corporate contributions , and Article XXVIII, section 3(7). [Article XXVIII, Section 3 (12) for accepting contributions from foreign corporations]	OS 2008-0033	10/10/08: Order Vacating Hearing and Notice to Set. 10/30/08: ALJ ordered consolidation of two cases: OS 2008-0033 and OS 2008-0037. The cases were consolidated for hearing under case number OS 2008-0033. 12/23/08: Order Granting Motions to Dismiss. Respondents Debbie Rose, the Committee to Elect Debbie Rose, Annette Martinez, Lynn Pigott and Sylvia O. Fransua are dismissed as responding parties to this proceeding. 1/13/09: Second Order Vacating Hearing and Notice to Set. Hearing scheduled for 1/13/09 is vacated. Setting conference scheduled for 1/23/09. 3/31/09: Agency Decision. PPCC violated Art. XXVIII, section 3(4) by accepting \$1,275 in corporate contributions. For these violations a civil penalty of \$3,825 is imposed. BPF violated Art. XXVII, section 3(7) by accepting donations \$850 in excess of the limits of section 3(5). For these violations a civil penalty of \$2,550 is imposed. 5/6/09: Order Denying Motion for Reconsideration and Modification of Agency Decision.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
228	10/01/08	10/02/08	Nancy C. Johnson	Jefferson County Republic Central Committee	Alleged Campaign and Political Finance violations of Article XXVIII, Section 7 for failure to disclose the occupation and employer on contributions of \$100 or more and SOS Rule 4.9.2 for failure to return the contributions within 30 days after receipt of the contribution. This is for the period ending July 17, 2008.	OS 2008-0031 Court of Appeals No. 2008CA2710	<p>10/17/08: Order Vacating Hearing and Notice to Set.</p> <p>12/8/08: Agency Decision (consolidated cases OS 20080031 and 20080032). Defendant failed to disclose employer and occupation information. The appropriate sanction is \$680 (136 contributors x \$5.00). While the sanction provisions of Section 10(2) of art XXVIII are applicable, and a penalty of \$50.00 per day could be imposed, section 9(2)(a) vests the ALJ with discretion to include "any appropriate order sanction or relief authorized by this article." This grant of authority to impose a sanction does not specifically mandate the imposition of the penalty described in Section 10(2). The ALJ concludes that a lesser sanction may be imposed when appropriate. Here, the ALJ considered that the omitted information on employer and occupation was disclosed within 3 days of the time the Committee learned of the complaint and their mistake. Additionally, some of the names of contributors were those of persons whose employer and occupation would be easily known or discernable to the public.</p> <p>12/29/08: Complainant filed notice of appeal to Colorado Court of Appeals in case numbers OS 20080031 and 20080032.</p> <p>10/23/09: Respondent filed a motion for more time to file answer brief with the Colorado Court of Appeals.</p> <p>11/6/09: Respondent renewed the 10/23 motion for enlargement of time pursuant to the court's leave to do so.</p> <p>11/23/09: Respondent Jefferson County Republican Committee filed an answer brief with the Court of Appeals.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
229	10/01/08	10/02/08	Nancy C. Johnson	Jefferson County Republic Central Committee	Alleged Campaign and Political Finance violations of Article XXVIII, Section 7 for failure to disclose the occupation and employer on contributions of \$100 or more and SOS Rule 4.9.2 for failure to return the contributions within 30 days after receipt of the contribution. This is for the period ending August 3, 2008.	OS 2008-0032	<p>10/17/08: Order Vacating Hearing and Notice to Set.</p> <p>12/8/08: Agency Decision (consolidated cases OS 20080031 and 20080032). Defendant failed to disclose employer and occupation information. The appropriate sanction is \$680 (136 contributors x \$5.00). While the sanction provisions of Section 10(2) of art XXVIII are applicable, and a penalty of \$50.00 per day could be imposed, section 9(2)(a) vests the ALJ with discretion to include "any appropriate order sanction or relief authorized by this article." This grant of authority to impose a sanction does not specifically mandate the imposition of the penalty described in Section 10(2). The ALJ concludes that a lesser sanction may be imposed when appropriate. Here, the ALJ considered that the omitted information on employer and occupation was disclosed within 3 days of the time the Committee learned of the complaint and their mistake. Additionally, some of the names of contributors were those of persons whose employer and occupation would be easily known or discernable to the public.</p> <p>12/29/08: Complainant filed notice of appeal to Colorado Court of Appeals in case numbers OS 20080031 and 20080032.</p>
230	10/20/08	10/20/08	Kent D. Lambert	Chyrese Exline	Alleged Campaign and Political Finance violations of Article XXVIII, Section 6 for failure to report electioneering communications; and 1-45-108 C.R.S., for failure to report the purchase of signs and the source of funding for the purchase of the signs.		

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
231	10/22/08	10/23/08	Reginald D. Perry	Protect Colorado's Future	Alleged Campaign and Political Finance violations of Rule 2.6, Colorado Secretary of State Rules Concerning Campaign and Political Finance for accepting a contribution from an issue committee created to support and oppose different issues.	OS 2008-0035	<p>[Consolidated with OS 2008-0036] 11/6/08: Hearing</p> <p>11/18/08: Agency Decision – Complaint is dismissed. The expenditure by Teachers Committee to purchase and distribute campaign literature opposing amendments 47, 49 and 54 was not a prohibited contribution to the PCF issue committee because the expenditure was not coordinated with or controlled by PCF and was not for PCF's benefit. The ALJ finds that a payment of money to a third party for the benefit of an issue committee is not a 'contribution' to that committee unless the expenditure was coordinated with that committee. <i>Rutt v. Poudre Education Ass'n</i>, 151 P.3d 585, 589 (Colo. App. 2006) ("a finding of coordination is required to avoid a conflict with the First Amendment."). Furthermore, the ALJ finds that the evidence is convincing that the Teacher Committee purchased the campaign literature to promote its own interests. The fact that its position may have been of benefit to PCF was incidental and not Teachers Committee's primary purpose and for this reason the expenditure was not a "contribution" to PCF. Therefore, the Teachers Committee and Protect Colorado's Future did not violate Secretary of State Rule 2.6.</p>
232	10/24/08	10/27/08	Reginald D. Perry	Teachers Committee for Excellence in Education	Alleged Campaign and Political Finance violations of Rule 2.6, Colorado Secretary of State Rules Concerning Campaign and Political Finance for accepting a contribution from an issue committee created to support and oppose different issues.	OS 2008-0036	[Consolidated with OS 2008-0035] – Please see disposition above.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
233	10/27/08	10/28/08	John B. Cordova, Sr.	[dismissed: Debbie Rose, Committee to Elect Debbie Rose and Annette Martinez]	Alleged Campaign and Political Finance violations of 1-45-108, C.R.S. for failure to file disclosure report due on November 1, 2007.	OS 2008-0037	<p>10/10/08: Order Vacating Hearing and Notice to Set.</p> <p>10/30/08: ALJ ordered consolidation of two cases: OS 2008-0033 and OS 2008-0037. The cases were consolidated for hearing under case number OS 2008-0033.</p> <p>12/23/08: Order Granting Motions to Dismiss. Respondents Debbie Rose, the Committee to Elect Debbie Rose, Annette Martinez, Lynn Pigott and Sylvia O. Fransua are dismissed as responding parties to this proceeding.</p> <p>1/13/09: Second Order Vacating Hearing and Notice to Set. Hearing scheduled for 1/13/09 is vacated. Setting conference scheduled for 1/23/09.</p> <p>3/31/09: Agency Decision. PPCC violated Art. XXVIII, section 3(4) by accepting \$1,275 in corporate contributions. For these violations a civil penalty of \$3,825 is imposed. BPF violated Art. CCVII, section 3(7) by accepting donations \$850 in excess of the limits of section 3(5). For these violations a civil penalty of \$2,550 is imposed.</p>
234	10/29/08	10/30/08	Clean Government Colorado and Tom Lucero	Denver Firefighters Small Donor Fund	Alleged Campaign and Political Finance violations of Article XXVIII, Section 7 and 1-45-108, C.R.S., for failure to file contributions and expenditures.	OS 2008-0040	11/18/08: Agency Decision – Complaint is dismissed. In the absence of any evidence that DFSDF participated in the expenditure of money to produce anti-Amendment 54 election signs, the complaint must be dismissed for lack of evidence. Complainants did not meet their burden of proving that DFSDF made an anti-Amendment 54 expenditure that it failed to report.
235	10/30/08	10/30/08	Douglas Bruce	City of Colorado Springs, Memorial Hospital and Citizens for Effective Government	Alleged Campaign and Political Finance violations of 1-45-117, C.R.S. for giving public funds to a committee to pass a ballot issue.	OS 2008-0039	11/18/08: Agency Decision – Complaint is dismissed. Because the complaint was not filed within 180 days of the alleged violation, it did not meet the timely filing requirement of Colo. Const. art. XXVIII, sec. 9(2)(a), and the ALJ is without jurisdiction to hear the case. While Rep. Bruce argued that it was impossible for him to discover the violation before CFEG reported the contribution in Oct. 2008, the law provides no exception for late discovery of the violation.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
236	10/30/08	10/30/08	Jon Caldara	Coloradans for Middle Class Relief	Alleged Campaign and Political Finance violations of Article XXVIII, for making illicit expenditures by supporting amendments not stated in the committees purpose.	OS 2008-0038	<p>11/21/08: Agency Decision – Complaint is dismissed. In the absence of proof the CMCR had a major purpose of opposing amendments 49 and 54, it was not obligated to disclose those issues on its Secretary of State registration form. It did not violate rules 2.5 and 3.1.</p> <p>12/24/08: CMCR’s motion for attorney fees is denied. The ALJ finds insufficient evidence that Caldara, a non-attorney, either knew or should have known that his claim was substantially frivolous, substantially groundless, or substantially vexatious.</p>
237	11/07/08	11/10/08	Jon Caldara	Colorado Professional Firefighters	Alleged Campaign and Political Finance violation of Article XXVIII, for failure to register as an issue committee.	OS 2008-0041	<p>11/25/08: Hearing</p> <p>12/5/08: Agency Decision – Complaint is dismissed. Considering the intent of Article XXVIII, the case law applying the major purpose test, and the Secretary of State’s interpretation in Rule 1.7, the ALJ concludes that the requirements of section 2(10)(a) must be read in the conjunctive. An entity must exist for a major purpose of advocating or defeating a ballot issue before it becomes subject to regulation as an issue committee. There was no proof that CPFF had a major purpose of opposing amendment 49, such as evidence about CPFF’s total budget, its organizational history, and the other types of activities in which it engages. Thus, the ALJ cannot conclude that CPFF was required to register as an issue committee or disclose its expenditures.</p> <p>1/8/09: Defendant’s motion for attorney fees is denied. The ALJ finds insufficient evidence that Caldara, a non-attorney, “clearly knew or reasonably should have known” that his claim was substantially frivolous or substantially groundless, as required by section 13-17-102 (6).</p>
238	02/20/09	02/24/09	Colorado Ethics Watch	Colorado League of Taxpayers	Alleged Campaign and Political Finance violation of Article XXVIII 6(1) and C.R.S. 1-45-108(1)(a)(III), Rule 9.4 is unconstitutional	OS 2009-0001	<p>04/15/09: Hearing</p> <p>04/24/09: Agency Decision – Colorado League of Taxpayers violated the reporting requirements of Colo. Const. art. XXVIII, section 6 and section 1-45-108, C.R.S. by failing to file a report of its electioneering activities opposing the election of Steve Carter. CLT admitted that the Carter mail pieces were electioneering communications that had to be reported and agreed that the report was due 9/28/08 but was not filed. A penalty of \$7,150 is imposed against CLT.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
239	03/23/09	03/25/09	Douglas Bruce	City of Colorado Springs, Robert A. Harris, Kurt Pillard, Deputy Chief Ron Gibson, and City Manager Penelope Culbreth-Grath.	Alleged Campaign and Political Finance violation of 1-45-117, C.R.S., for using public funds to promote a ballot issue and distributing non factual summary.	OS 2009-0002	4/9/09: Hearing. 4/16/09: Agency Decision – complaint is dismissed. Dissemination of “Quick Facts” via neighborhood watch email system was arguably an abuse of the purpose for which that system had been established, however, it did not “urge” voter support of the ballot issues and therefore did not violate the law. Considering <i>Skruch v Highlands Ranch Metro. Dists. Nos. 3&4</i> , 107 P.3d, and the fact that the “Quick Facts” did not reference the ballot issues or the pending election, the ALJ found that the “Quick Facts” did not urge their passage; meaning they did not “demand earnestly or pressing,” or “openly and publicly seek the passage” of any of the ballot issues. Moreover, even if the “Quick Facts” were distributed for the purpose of supporting the pending ballot issues, less than \$50 was spent incidental to that effort, and therefore no violation occurred.
240	04/28/09	04/30/09	William N. Patterson	Stephen S. Stuhmer and Citizens for Responsive Government	Alleged Campaign and Political Finance violation of 1-45-108 and 1-45-109 C.R.S., for not disclosing payment and source of funds for electioneering communications.	OS 2009-0003 Colorado Court of Appeals case no. 2009 CA 1463	5/14/09: Hearing. 5/28/09: Agency Decision – the Defendants failed to report to the SOS expenditure of \$1,000 or more per year on electioneering communications as required by sections 1-45-108 and 109, C.R.S. of the FCPA. Therefore, both Defendants Citizens for Responsive Government and Stephen S. Stuhmer are liable for the \$6,550 fine.
241	06/22/09	06/24/09	Martha Wallner, Joanne Seeker, Ronald Pace, Stanley Burgess, and William Chin	Woodmen Hills Metropolitan District and Larry Bishop	Alleged Campaign and Political Finance violation of 1-45-117(1)(a)(I)(D) by causing a two page letter to be distributed to residents purporting to identify and correct “factual errors” allegedly contained in a recent radio news report.	OS 2009-0004	7/8/09: Hearing. The District and Bishop moved for summary judgement. The Residents moved to amend their complaint to add a charge that the District and Bishop violated section 1-45-117(1)(a)(I)(B), C.R.S. in that the District’s recall measure also amounted to a “local ballot issue”. The ALJ granted the Resident’s motion. 7/9/09: Agency Decision – the ALJ dismissed the alleged violation of section 1-45-117(1)(a)(I)(B), C.R.S., finding that the recall measure at issue was not a “local ballot issue” within the meaning of the section. The parties stipulated to the dismissal with prejudice of the remaining complaint of a violation of section 1-45-117(1)(a)(I)(D), C.R.S. Complaint is dismissed with prejudice, with each party to bear its own expenses. 8/5/09: Amended Agency Decision – the complaint is dismissed with prejudice, with each party to bear his, her or its own costs and attorneys fees.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
251	08/26/09	08/31/09	Colorado Ethics Watch	The Lakewood Safe Streets Committee	Alleged Campaign and Political Finance violation of Article XXVIII, for failure to register as an issue committee.	OS 2009-0005	09/09/09 – Parties file stipulated motion to dismiss. 09/09/09 – Final Agency Order and Order of Dismissal. Case is dismissed with prejudice, with each party to bear its own expenses.
252	10/15/09	10/20/09	Lawrence R. Weygand and Paula J. Weygand	City of Aurora	Alleged Campaign and Political Finance violation of Section 1-45-117 of Colorado Revised Statutes for using public funds to promote a ballot issue and distributing non factual summary.	OS 2009-0006	11/05/09 – Order vacating hearing and notice to set; setting conference to be 11/13/09. 11/17/09 – Complainants filed an amended complaint.
253	10/16/09	10/21/09	Sheri Paiz, Ervin Baker, Eugene Wieneke, and James Miller	Fraternal Order of Police, Lodge # 23	Alleged Campaign and Political Finance violation of Section 3(4)(a) of Article XXVIII for failure to register as a political committee.	OS 2009-0007	
254	11/2/09	11/5/09	Paul Madigan	The Pat Quinn for Mayor committee	Alleged Campaign and Political Finance violation of Section 1-45-108 for failure to report re-use of 2007 campaign signs in 2009 election as an expenditure.	OS 2009-0008	11/18/09 – Hearing vacated in response to motion by Respondent requesting same. Setting conference scheduled for 12/1/09 at 10:15 am. 01/04/2010 – Agency Decision dismissing complaint. ALJ concluded that use of 2007 yard signs in 2009 mayoral election for the same candidate does not constitute a contribution to the candidate committee for the fair market value of the re-used yard signs. Therefore, complainant did not establish that there was a violation of 1-45-108(1)(a)(I), C.R.S., and the complaint is dismissed.
255	12/8/09	12/14/09	Merlin Klotz	Parker Water and Sanitation District	Alleged Campaign and Political Finance violation of 1-45-117, C.R.S., for using public funds to defeat the recall election and retain the captive Board	OS 2009 – 0010	01/13/10 – Complaint dismissed on the grounds that “there was no evidence that the mailer [sent by Parker Water and Sanitation District to voters] ‘urged’ voters to vote one way or another” and therefore there is no violation of 1-45-117, C.R.S.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
256	12/8/09	12/15/09	David Flaherty and Smart Growth Not Urban Sprawl – Vote No on Eagle River Station	Town of Eagle	Alleged Campaign and Political Finance violation of 1-45-117, C.R.S., for accepting an illegal contribution and illegal expending of public moneys.	OS 2009 – 0009	12/29/2009 – Setting conference scheduled for 01/05/2010.
257	01/04/10	01/05/10	Kim Haarberg	Jeff Gross and Freda Poundstone (proponents of Initiative 2009-2010 #10)	Alleged Campaign and Political Finance violations of 1-45-108, C.R.S., for failure to file disclosure reports disclosing expenditures for petition forms, paid petition circulators, and website expenses	OS 2010-0001	01/06/2010 – Setting conference scheduled for 01/19/2010.
258	01/04/10	01/05/10	Kim Haarberg	Louis Schroeder and Bonnie Solan (proponents of Initiative 2009-2010 #12)	Alleged Campaign and Political Finance violations of 1-45-108, C.R.S., for failure to file disclosure reports disclosing expenditures for petition forms, paid petition circulators, and website expenses	OS 2010-0002	01/06/2010 – Setting conference scheduled for 01/19/2010.
259	01/04/10	01/05/10	Kim Haarberg	Russell Haas and Michelle Northrup (proponents of Initiative 209-2010 #21)	Alleged Campaign and Political Finance violations of 1-45-108, C.R.S., for failure to file disclosure reports disclosing expenditures for petition forms and website expenses	OS 2010-0003	01/06/2010 – Setting conference scheduled for 01/19/2010.
260	01/14/10	01/15/10	Daniel M Hayes	Carlos Valverde, Treasurer of Coloradans for Safe Communities	Alleged Campaign and Political Finance violations of 1-45-108 and 1-45-109, C.R.S. for failure to file disclosure reports and for terminating a committee but continuing to make expenditures.		

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
261	04/20/10	04/21/10	William Chin	Alfred Kreps	Alleged Campaign and Political Finance violations. Precise subject matter unclear.	OS 2010-0005	<p>04/22/2010 – Combined order to show cause in OS 2010-0005 and OS 2010-0006. Complainant must file a statement of legal authority within the OAC prior to further proceedings.</p> <p>05/03/2010 – Complainant has filed a motion to voluntarily dismiss the complaint.</p> <p>05/03/2010 – Final Agency Decision and Order of Dismissal, per complainant's motion to dismiss.</p>
262	04/20/10	04/21/10	William Chin	Robert Lovato	Alleged Campaign and Political Finance violations. Precise subject matter unclear.	OS 2010-0006	<p>04/22/2010 – Combined order to show cause in OS 2010-0005 and OS 2010-0006. Complainant must file a statement of legal authority within the OAC prior to further proceedings.</p> <p>05/03/2010 – Complainant has filed a motion to voluntarily dismiss the complaint.</p> <p>05/03/2010 – Final Agency Decision and Order of Dismissal, per complainant's motion to dismiss.</p>
263	05/03/10	05/04/10	Ed Ralston	Linda Pugh, Richard L. Price, and Deborah Hendrix, candidates for Harrison School District 2)	Alleged Campaign and Political Finance violations of 1-45-108, C.R.S., for failure to file disclosure reports disclosing in-kind contributions by the Committee to Re-Elect Effective Leadership, to each candidates' candidate committee.		
264	05/04/10	05/05/10	Christopher Klitzke	Daniel Maes and Friends of Dan Maes for Governor (candidate committee)	Alleged Campaign and Political Finance violations of Article XXVIII Sec. 3 (4)(a) of the Colorado Constitution for accepting corporate contributions, 1-45-108(1)(a)(II), C.R.S., for failure to list occupation and employer information for contributions of \$100 or more, and 8 C.C.R. 1505-6(4.25) for failure to appropriately disclose reimbursements by a candidate committee.	OS 2010-0008	5/17/2010 – Setting conference to be 6/1/2010.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
265	05/05/10	05/05/10	Colorado Ethics Watch	Clear the Bench Colorado	Alleged Campaign and Political Finance violations of 1-45-108, C.R.S., for failure to register a political committee, and Article XXVIII, Sec. 3(5) for exceeding contribution limits imposed upon political committees.	OS 2010-0009	5/14/2010 – Setting conference to be 5/27/2010.
266	5/19/10	5/21/10	Robert J. Lane	Krista K Erickson	Alleged Campaign and Political Finance violations of 1-45-115, C.R.S., for threatening a candidate to withdraw from a political race.		